

MARKUP: WAR POWERS RESOLUTION

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

MARKUP TO CONSIDER THREE JOINT RESOLUTIONS RELATING TO LEB-
ANON AND THE WAR POWERS RESOLUTION: S.J. RES. 159; S.J. RES.
163; AND S.J. RES. 166

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MARKUP: WAR POWERS RESOLUTION

FRIDAY, SEPTEMBER 23, 1983

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 9:25 a.m., the Honorable Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Baker, Helms, Lugar, Mathias, Kassenbaum, Boschwitz, Pressler, Pell, Biden, Sarbanes, Zorinsky, Cranston, and Dodd.

The CHAIRMAN. This morning the Committee on Foreign Relations convenes to consider the question of authorizing the continuation of U.S. participation in the multinational force on Lebanon. We have pending several resolutions relating to this question and, in accordance with the understanding reached the other day, we will vote on each of them, unless a different procedure is agreed to this morning.

At 12 noon we will vote on the question of reporting them to the floor, and then hopefully we can go directly to the floor to continue work on the State Department authorization bill.

I would hope that all members would join with me in voting for the compromise resolution introduced earlier this week by Senator Baker and myself. This resolution was reported out yesterday by the House Foreign Affairs Committee, with a single amendment, by a vote of 30 to 6.

The text of that amendment, by the way, is available to members. It simply provides for a different set of circumstances in the event that the multinational forces of Italy and France are withdrawn.

In my view that resolution fully protects the position of the Congress regarding the force and operation of the War Powers Resolution. At the same time, it does so without precipitating the kind of constitutional confrontation which would be so unfortunate and would be even dangerous in the present circumstances.

I realize that concern has been focused on the 18-month duration of this authorization. Some members are afraid that such a length of time suggests that Congress is putting off its responsibilities for that length of that and that if circumstances in Lebanon should change we might want to change our minds about the wisdom of supporting further U.S. participation.

From that point of view, however, any length of time could be too long, even 2 months or 1 month. The point is that we must exercise a continuing review of the situation, no matter what the timeframe of this authorization. We should be prepared to act

again to change this authorization if we should decide at any time that this is necessary.

Now, we recognize that if an emergency occurs, if for instance we find that we do have a difference of opinion with the President, such action would require a joint resolution, and if that joint resolution is disapproved or vetoed by the President it would then take a vote of two-thirds of the House and Senate, but the House and the Senate could act to end the authority of the presence of our troops in Lebanon or anyplace else under the War Powers Act.

In the meantime, we have given our approval for the continuation of a limited U.S. involvement, based upon the limited objectives of the multinational force and to the present level of forces. Having agreed that it is important enough for our troops to be in Lebanon for this purpose, we should not seek to draw tight restrictions on their ability to do their job and to defend themselves.

If Congress is rightfully to exercise its joint constitutional responsibilities with the President for the commitment of the Armed Forces to hostilities abroad, we must also recognize and share in the risks inevitably involved in such a step.

I have obtained from Senator Javits for the purpose of our consideration a statement by him. I have simply explained to him the situation that we face and have asked for his unblemished and unadulterated comments as he sees it as one of the principal authors of the War Powers Act. Senator Javits stated in a memorandum that was transmitted to us yesterday the following:

The Administration and the Congress have each gained a major point in the proposed compromise on the War Powers Resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint, not concurrent, resolution, thereby requiring the President's signature.

This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

On the telephone he reiterated that he feels the compromise resolution adopted by the House last night and that was introduced by Senator Baker and me in his judgment is a very positive step.

The length of the time which is covered, 18 months, within which time the President in effect continues his exclusive control over the incidence of "war," notwithstanding the exclusive grant of power to declare war to the Congress under Article I, Section 8 of the Constitution, is excessive in so perplexing a situation such as Lebanon and disappointing.

But there are some countervailing elements in the other terms of the compromise. The Congress may (again by joint, not concurrent, resolution) direct a sooner withdrawal of the marines and the marines continue in Lebanon only as part of a Multinational Force and in their present numbers.

The political question will still remain before the country as to the exclusivity of the power of Congress to deal with war. I believe the voice of public opinion would back the Congress and heavily influence the President's decision whether or not to veto any such joint resolution for the earlier withdrawal of the marines, or would sustain the Congress in an override or in acting by concurrent resolution.

The constitutional issue is and will continue to be very much the question until the division of these powers as defined by the Constitution is finally accepted.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

If Congress is to pass an authorization within the context of the War Powers Resolution, I see two principal issues. The first is the one that you have just mentioned and that Senator Javits raised. That is the question of duration, 18 months. The second is whether the authorization we pass is clearly and unequivocally an authorization under the War Powers Resolution.

I am particularly concerned with the 18-month provision, and in this regard I am reminded here—in fact, I guess I am the only member here who had the dubious distinction of voting for the Gulf of Tonkin resolution. And at that time the only ones of our colleagues who had the gumption to vote against it, as I recollect, were Senators Morse and Gruening.

I read in here in the text of the Tonkin Gulf resolution that it provides the Commander in Chief under the resolved clause permission to “take all necessary measures to repel any armed attack against the forces of the United States and prevent further aggression.”

Then we go down into this resolution and for 18 months it says that the President has the right to “take certain protective measures as may be necessary to insure the safety of the Multinational Force in Lebanon.” Presumably, the interpretation of what is necessary would rest with the President.

Now, I find that worrisome, particularly worrisome in the light of the testimony of the Secretary of State the day before yesterday when, in answer to some pretty detailed questioning by Senator Sarbanes and also questions from others of us, he did not indicate specifically what the limits were. He left it, I thought, very open ended.

I remember asking him directly. What would happen at the end of 18 months? Does that mean the President would not have the authority? And he, understandably, would not be pinned down on that.

I think the fact that he was not willing to be pinned down on the length of time and the breadth of authorization makes this particular phrase here, “such protective measures as may be necessary to insure the safety of the Multinational Force in Lebanon,” rather like, as our minority leader put it, leaving a whole wide enough for Amtrak to go through.

So I guess what I am saying is I have two reservations. One is this particular sentence; and second, the length of time. To my mind, the length of time is the one that is most serious and, while not prepared to vote for the resolution in its present form, I could see myself being prepared to vote for it if the time were limited to 6 months or something of that sort and we engaged in some tightening measures.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very kindly, Senator Pell.

Senator BOSCHWITZ.

Senator BOSCHWITZ. I have no opening statement.

The CHAIRMAN. Senator Biden.

Senator BIDEN. Mr. Chairman, I suspect I may be—well, I guess I should not prejudge. I am likely to dissent from any grant of authority, to the extent that we are able to grant or not grant authority to the President, to continue to commit marines in Lebanon. I

find myself, as I suspect many of us do—we have all reached different conclusions in the dilemma of having to deal with bad choices available to us because of miscalculations and lack of a sound policy on the part of this administration at the outset.

I think the most succinct description of the futility of this administration's policy in the Middle East as it relates to Lebanon appeared in this morning's paper, in the New York Times, an article by Flora Lewis where he says: "To set the end of foreign intervention as the goal in Lebanon is worse than hypocrisy: it is antihistory."

The fact of the matter is that there is no reasonable prospect, in my view, for the administration to achieve its stated goal, and that is, the stated goal, is to put the Gemayel government in a position that it controls Lebanon, Lebanon or the Lebanese, whatever phrase they want to use, and all foreign troops out of Lebanon.

So if you start from that position, as I do, I think one must ask himself not only the constitutional question of what the role of Congress is and the application of the War Powers Act, but even if you could overcome that concern, which I will speak to later, not in the opening statement, even if you overcome that concern, which I am unable to—and I might note parenthetically, even if I overcome it and we overcome it, the administration has made it clear it will not abide by it, by the agreement that is reached.

Even if you overcome that, you then must get to the question of, whether it is 2 months, 6 months, 18 months, 24 months, is there any reasonable prospect for this administration to accomplish its laudable goal? And have they indicated that they have any set of plans or agenda that are likely to bring about that result?

I would argue that three things must happen for any prospect of even the Gemayel government to be able to control simply the Beirut area.

One would have to be, Gemayel would have to have made clear to him that there must be accommodation with the Druze. There must be some accommodation, No. 1 I see no evidence or pressure from this administration to make that clear to him.

No. 2—and this is only one Senator's view—this administration has bit off part of its problem by heating up on the Israelis as it has on the issue of whether or not the Israelis should pull out. What we should be doing with the Israelis is making it clear to them that we in fact do not want them to pull out as long as the Syrians are there.

And the one fact of the matter is, if we had told them that straight out and not faced them with the dilemma of the great pressure that they have on the homefront, the same ones that we have here, coupled with being badgered by the United States as the bad guys in the region, or one of the two bad guys in the region, the vacuum would not have been created that is now created.

So I see no evidence that this administration is going—either through secret meetings of the Intelligence Committee or this committee in open session, I have heard no evidence that they indicate that, if in fact they are willing to go to the Israelis and say, can you pick up some of the slack, and by the way, if you do we will stop getting on your case about it, we will not put you on the

double vise of saying, we need you in there, but if you are in there we are going to publicly pillory you.

The CHAIRMAN. Senator Biden, would you yield for a question?

Senator BIDEN. No. I will not, Mr. Chairman. If I could just finish my third point, then I will yield for a question on all of it.

The third point is, I think there is a necessity to have a coordinated Multinational Force agenda as to where we go next, and not make this, as Senator Jackson has said and others, not make this a superpower issue in the region. We should not have big powers face to face in dilemmas where you do not have any reasonable proposed of short-term solutions. What we must be doing—and I believe is an effort to do this, but I am not all sure how successful it would be—is moving the Multinational Force, absent the U.S. presence, into the areas that are the most confrontational in a military sense.

This administration, understandably in my view, has an overwhelming desire, which I applaud, to protect the American marines that are there. When I came to the U.S. Congress, it was after the Gulf of Tonkin resolution. And I might add, I ran for office because of what the Gulf of Tonkin resolution set into motion. I swore that this one Senator would never vote to send American troops anywhere where it was not absolutely clear what the goal was, where there was not a clear definition of how that goal was likely to be accomplished, and there was not a commitment of the full faith and credit of the United States of America behind it to do whatever was necessary militarily to get it done.

I admire the administration's commitment on the last point. But the fact of the matter is, the last point I am putting forward, the full faith and credit of the United States of America—that is, that we will go wherever we have to go to protect the marines, if it means into Syria—unless you are going to tell those folks that or have some plan on how you are going to do it in the interim, how you are going to prevent their deaths by some mediation and/or some policy which has a reasonable prospect of coming to fruition, I think we will only be faced with the dilemma of now having to count four body bags, at the end of 6 months 40 body bags, then after 18 months 400 body bags of marines that are coming home.

So, although—I will answer any questions you now have, Mr. Chairman—I will speak later and at length on the constitutional question in the War Powers Act, from this Senator's perspective I think that the most fundamental question that has to be answered is: What do you gain by keeping the marines there? What is the plan? Is there any reasonable prospect of the plan coming to fruition, and if it does not how do you protect the marines in the interim?

I am not suggesting any precipitous pullout of the marines tomorrow. I think what we should be doing is we should be suggesting to our multinational force partners that we have to have a unified view on what we are going to be about, and if that is not there then take the marines home.

But I think it is crazy, what we are doing. And I do not think the administration is being malevolent about this. I think they are trying their best. I think they have found themselves in a dilemma that any administration may have found itself in, that, once com-

mitted, you do not even know who the enemy is now. Who are we fighting? Who do we retaliate against?

Is the Secretary of State correct when he says that this in fact is the Soviet attempt to upset U.S. diplomacy? Is this the Syrians? Is it both, or is it one of the 17 factions, or 16 of the 17 factions in Lebanon?

Who do we fight, and how do we explain to those marines that either, (a) you have to sit back and just accept, absorb the losses, or (b) go get them? Who do you go get? Where do you get them? How do you go after them?

I just think we are once again in a situation in American foreign policy which is easy to get into—and I do not mean this as a criticism of just this administration—a dilemma where the world is so complex, certain situations are so complex, that we set for ourselves unrealistic goals that cannot be accomplished in any reasonable prospect of accomplishing them.

And then we find ourselves in the position of having to continue to pursue a goal which is not likely to be accomplished, at least anywhere in the near term, or lose face. That is a Hobson's choice that we have here.

We should not have gone in the first place. We should have not been badgering the Israelis in the first place. We should have accepted the situation the way it was and begun to work through the diplomacy side, rather than the side we are on.

But it is easy to Monday morning quarterback about that. All I am saying, Mr. Chairman, is, now that we have done it, I do not see what this argument over 6 months, 12 months, 18 months, 24 months, is. I really do not know how that goes to the heart of the question.

The administration has yet to tell me what its plan is that has any realistic prospect of succeeding in this Senator's opinion. Therefore, if the President wants to stay, I will make the constitutional argument why I do not believe he should and why the Congress has the right to stop him. And I want to make it clear that if that loses and they stay there absent a policy that I can understand, it is not with my concurrence, not that that means anything except to me.

Thank you, Mr. Chairman. I will be happy to answer your questions.

The CHAIRMAN. With the indulgence of my colleagues, before making a statement and asking a question to you where I feel factually you have misrepresented the administration, let me say that I do concur with your concern. I do not think any of us knows where this is leading, and the possibility does exist, in one of the most dangerous and complex areas of the world, and yet a part of the world that is more vital to our national security interests and our economic interests than any other part of the world, the possibility exists that the path down which we are going could lead not only to direct conflict with Syria, but direct conflict with the Soviet Union.

They are not unaware of that. We are not unaware of that. We are taking that into account in every single step we take.

I disagreed with the administration months ago on whether or not the war powers authorization should be enacted and whether

we should place ourselves under the provisions of that act. Senator Pell joined with me in a letter to the President months ago saying, in our judgment imminent hostilities were there, we could not argue with that, and we should put ourselves in the position where the Congress shared with the executive branch each step of the way how far we go and how we get there and we share jointly the responsibility for those decisions.

I still feel that way. I now applaud the administration for at this stage recognizing that we have to come together and not have confrontation, and we are working mightily to find a way to indicate it. And even Senator Javits has said we have made very positive forward steps, but there are some concerns that he has expressed.

Now, the area where I disagree, respectfully, Senator Biden, with you is your evaluation of the administration's actions in doing nothing to prevent Israel from withdrawing its forces. If we go back through the traffic on that, if we go back through the efforts made by Phil Habib, by everyone who has been out there as a representative of the President, we vigorously opposed the decision of the Israeli Government to withdraw down to the Awali River and draw out of the terrible position that they found themselves in in the Chouf Mountain area.

They were caught between forces. They were caught, in a sense, in parts of a civil war, but also parts of the civil war reinforced by Syria, Syrian forces, Iranian forces, forces of the PLO, and the Palestinians that were supplied armaments by outside forces, including the Soviet Union.

So we did not want a precipitous withdrawal. They did delay several times. But they ultimately went ahead with the decision because they found their losses were unacceptable to them, a small nation; 500 casualties, deaths, is a tragic event. Internal pressures from Israel caused that withdrawal.

Senator BIDEN. If the Senator would yield, you are exactly right on the point you make. Let me clarify my point. What you say is absolutely true. But the fact of the matter is, simultaneously while we were doing that we had for the previous 4 months been talking about how the Israelis should get out of Lebanon.

And when we said, Israel, do not move—we did not say do not move; we said, if you are going to move, move all the way, we want you all the way out. Do not move partially.

Now, I ask the rhetorical question—

Senator BOSCHWITZ. I do not recall that.

Senator BIDEN. You do not recall that?

Senator BOSCHWITZ. I do not recall that we asked the Israelis—

The CHAIRMAN. It was always conditioned upon a withdrawal of Syrian forces. We never asked Israel to unilaterally withdraw. It was always conditioned on Syrian forces.

Senator BIDEN. But the fear of this administration, expressed constantly, was if there was a partial withdrawal of Israeli forces it would result in a de facto partition of Lebanon. That was the basis upon which they argued not to withdraw, that it would be a de facto partitioning of Lebanon.

And implicit in that at a minimum, and I believe explicitly stated—and I will take the time to try to find accounts of it—was, if you are out we want you all the way out, do not do it part way.

Can you imagine what we would be in now if the Israelis had pulled all the way out of Lebanon?

Senator BOSCHWITZ. Well, I do not recall—

The CHAIRMAN. Thank you for yeilding to me.

And in your own right now, Senator Boschwitz, do you wish to make a statement?

Senator BOSCHWITZ. I would like to respond to the Senator from Delaware. I do not recall that the Israelis were asked to entirely withdraw. As I recall it, it was always conditioned upon the Syrians. And of course, a very involved and prolonged negotiation went on to determine how the withdrawal would go about.

I think we do, Senator, have more of a plan than you indicate in your remarks. We have indeed in Paris tried to get together with the Israelis—rather with Mr. Jumblatt, as we did together with Wadi Hadad representing President of Lebanon, to the purpose of trying to work out the differences.

I quite agree with you that it seems to me, at least at a distance, that the President of Lebanon or the Lebanese Government should indeed work out its differences with the Druze. And I tell you, I am not so sure that that will not happen. I think the Syrians are intent on fighting to the last Druze and I think the Druze are going to get tired of doing that after a bit.

I also believe that there is more coordination between the multinational forces, and I think there is also more of a purpose than you indicate for their presence there. You said you wanted them to have a clear goal. I think the clear goal has been expressed by the Secretary here and by the President at the time the multinational force went in, and that is to try to give Lebanon an opportunity to get its act together.

I do not disagree with you in hindsight that perhaps it was a mistake for a superpower to go in and to risk a possible superpower confrontation, particularly since the other one had already gone in with a rather substantial force into Lebanon.

But you said then that you wanted an absolute commitment from the President that he was going to get the job done. But yet, Senator Pell at least, who I see is not here now, is concerned about the portion of the resolution that Senator Byrd has stated was a big hole that Amtrak could go through it.

You said that some mediation should be in process. Well, there is a great deal of mediation in process. We have Ambassadors Fairbanks and McFarlane out there, and they are indeed seeking to mediate the whole thing.

You want to know, who do we fight, who do we go and get. I do not know. In the event that there was more active fighting, I certainly do not believe you would be more satisfied with the situation over there.

I think it is rather dramatic to say that 4 body bags have come back and it is going to be 40 and it is going to be 400. I do not think there is any basis for making that statement. I think if you look back at the civil war that occurred in Lebanon over many years, the level of activity, the level of killing, this is not an extraordinary level, unfortunately.

Senator BIDEN. Except that it is Americans now, too. That to me is the critical difference.

Senator BOSCHWITZ. I understand. But this is not an extraordinary level of activity in Lebanon. If you go back 7 years, 100,000 people were killed. If it were an even rate, it would have been 40 per day for 7 years, in an area not much larger, perhaps the size of Delaware.

Senator BIDEN. That is the whole point, Rudy. Why is that going to change, now that we have Americans there?

Senator BOSCHWITZ. I understand. But in any event, you did not suggest the options. What happens if we withdraw? Then for sure—

Senator BIDEN. That is right, it probably will continue. My points is it will continue with or without us there, and I would rather we not be there.

Senator BOSCHWITZ. But in that event, now that we are there, it is very difficult to withdraw. If you want to argue about hindsight and whether or not we should have gone, we might agree.

But in a way, Senator, a superpower has some obligations when it undertakes them and if it undertakes them, and once having undertaken them I think that we have to stay the course. And I do not think that the picture is quite as bleak as you paint it, nor is the situation in Lebanon quite so hopeless when seen on the basis of what went on there before.

We simply did not have a table of reporters who were reporting those activities beforehand, just as they are not reporting the killing that goes on between Iran and Iraq. In the last 3 years, several hundred thousand people have been killed there, but there is very little press attention given that, simply because the press does not have access to it. So it was with Lebanon for many, many years, that there was no press access to it, and the level of violence was certainly greater than it is today.

The most perfidious element in Lebanon has been effectively removed. It is coming back in to some degree, and that, of course, is the PLO. So I do not think that we should paint a bleak picture that there is no possibility of political solution to this. I think that that, very frankly, is an exaggeration of the fact.

And while I cannot paint exactly the path that will be taken in clearing the situation, I remain relatively optimistic, because we have principally the Druze, who are a relatively small sect in Lebanon, and hopefully Mr. Gemayel will bring them into the process and thereby neutralize them.

I think that there are all kinds of possibilities for bringing the matter to a conclusion, and it is not quite as bleak, in my judgment, as the Senator from Delaware paints it.

Senator BIDEN. I respect the Senator's opinion and I hope he is right.

The CHAIRMAN. Thank you very much. I will withhold one additional question that I have for you so that we can complete the opening statements.

Senator Sarbanes.

Senator SARBANES. Mr. Chairman, I assume in the course of the consideration this morning we will address in some detail the provisions of the resolutions that are before us. I want to make just a few comments about the substance of Senate Joint Resolution 166, the Percy-Baker resolution, and then a broader comment stemming

from the exchange that I had with Secretary Shultz at the hearing that we held 2 days ago.

Now, in the exchange that just took place my colleague from Minnesota said that there was a clear goal, in response to the Senator from Delaware's concern about it. He said it was expressed here by the Secretary and the goal was, give the Lebanese an opportunity to get their act together. Now, I respectfully suggest that that is not at least what I would characterize as a clear goal.

I think it is rather clear that the resolution before us is significantly expanding the mission and purpose, and expanding it in a vague, generalized direction. This resolution in fact is entitled "Providing Statutory Authorization Under the War Powers Resolution for Continued U.S. Participation in the Multinational Peacekeeping Force in Lebanon in Order to Obtain Withdrawal of all Foreign Forces From Lebanon."

So the resolution in effect, I take it, is committing our troops in that situation until all foreign forces are withdrawn. That, incidentally, I guess means that any foreign force could keep us there simply by staying there or putting us to the task of evicting them.

In addition, the resolution goes on to say that, "The Congress finds that in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the Multinational Peacekeeping Force." Now, the exchange of letters which govern the second entrance of our troops into Lebanon spoke in terms of the Beirut area. Senator Glenn made that point, I thought very effectively, at the hearing the other day. This resolution now is extending it to the entire territory of Lebanon.

Others have discussed already the 18-month period, have discussed the broad, broad power to the President to take protective measures. I do not think reference has been made yet to the fact that if the Congress wanted to conclude that the involvement ought not to continue prior to the 18 months, it would have to do it by a joint resolution, which means it would be subject to a Presidential veto, and therefore in order to accomplish that you would have to have a super-majority of two-thirds in both Houses of the Congress.

Now, I want to contrast the supposed clear goals that are being talked about here for the mission of our men, because the American people are asking, why are they in there and what are they supposed to accomplish. I asked the Secretary when he was here who the hostile parties were. If in fact we wanted to declare war, against whom would we declare war? And the Secretary said we had no intention of declaring war.

And I then said: "Well, our troops are in hostilities. Who is the hostile party?" The Secretary said: "There are lots of people shooting in different directions in Lebanon, and to a certain extent we are caught in that crossfire."

I am told this morning that a clear goal is to give the Lebanese an opportunity to get their act together. Now, let me contrast that with I think the very clear statement of mission that was made to govern the first introduction of American troops as part of a Multinational Force on the 25th of August. That related to a plan for the PLO evacuation from West Beirut. That included—and I have it

here [indicating]—a departure plan, plan for the departure from Lebanon of the PLO leadership, officers, and combatants in Beirut.

I am trying now to make the point of what I regard as a clear statement of mission and objective which provides an opportunity for proper evaluation. I thought, on the basis of this clear statement, that the introduction of the troops at that time was warranted to achieve that purpose. There were risks, but the likelihood of achieving the objective was very high. Basic concept, ceasefire, U.N. observers, safeguards, departure date, the Multinational Force—these are the paragraph headings of this departure plan—schedule of departures and other arrangements, MNF mandate, duration of the Multinational Force.

It will be mutually agreed between the Lebanese Government and the governments contributing forces to the Multinational Force that the forces of the Multinational Force will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon, or at the direction of the individual government concerned, or in accord with the termination of the mandate of the Multinational Force provided for above.

Then this goes on and defines a role for the International Committee of the Red Cross, Liaison and coordination, duration and departure. It is a four-page document, Mr. Chairman. It includes also schedule of departures with a timetable: August 21 departure date, August 22, August 23, and so forth and so on, down to and including a departure date for the Multinational Force.

There is an exchange of notes which governs that circumstance. There is a letter from the President to the Congress saying that this plan for departure from Lebanon of the PLO had been established by the Government, accepted by all the pertinent parties, including the PLO. It goes on to say, and I am now quoting the President:

I want to emphasize that there is no intention of expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action or interfere with the implementation of the departure plan or the activities of the Multinational Force.

Finally, the departure plan makes it clear that in the event of a breakdown in its implementation the Multinational Force will be withdrawn.

Now, that is a clear and specific detailing of goals and objectives, and those were the terms which governed the initial introduction of the American marines as part of the multinational force. That objective was achieved. It was a realistic, feasible objective, and it was achieved and it was a significant accomplishment.

And on September 11, ahead of the departure date contained in the plan of September 21 to 26, the Multinational Force came out. In effect, the plan had been so carefully worked out that it was achieved ahead of the schedule that had been detailed.

Now, as we all know, on September 25 troops were reintroduced. That mission is governed, as best I can find it, Mr. Chairman, only by a short exchange of notes between our Ambassador in Lebanon and the Deputy Prime Minister and Minister of Foreign Affairs of Lebanon. It is, of course, not detailed and specific, but to the extent it contains a purpose, that too is a limited one. It addresses, as Sen-

ator Glenn pointed out the other day in the questioning, very carefully the Beirut area only.

And now we confront a resolution whose sweep in terms of the purposes for being there it seems to me carries with it the strong likelihood of a long and continuous involvement in a situation in which the mission is not clearly defined, with all of the problems attendant to that.

Now, having said that, which addresses the substance of what this resolution seeks to do, there is a much broader problem, and that developed in the questioning of the Secretary which took place here the other day. It is clear that the administration is taking the position that, regardless of what the authorization provided for by the Congress and being sought here states in terms of time period, purpose, numbers, the President is reserving unto himself the assertion of a constitutional authority to go beyond that. In effect, that is saying, whatever you do in terms of the terms and substance of this resolution, if we deem it necessary we will do as we choose.

Now, I must say I was surprised and obviously very deeply disturbed by those responses on the part of the Secretary. My understanding was that what I thought was happening was the administration was going to recognize the application of the War Powers Act, seek its authorization from the Congress, and that its authority to operate in Lebanon would be governed by the terms of the authorization. There might then be differences over what the terms of that authorization ought to be in terms of time period, numbers and so forth.

But it is clear that they go well beyond that and reserve the authority. And I just want to underscore that in a couple of places in the transcript from the hearing. I asked him whether the reservation which the President was going to express upon the signing of this resolution would run to an assertion that he does have constitutional authority, acting as Commander in Chief, to commit these troops and to keep them there. The Secretary said: "I certainly would expect that the heart of the reservation runs to his constitutional duties as Commander in Chief."

I then asked whether at the end of the 18-month period the President could keep the troops there pursuant to that constitutional authority which he would assert. The Secretary said:

Well, I think the constitutional issue is a general one and would apply across the board. This resolution is an effort to put that issue to the side for the time being and go on to the substance of this matter.

I then asked whether he would be opposed in section 6 of the Percy-Baker resolution to striking the language, "for purposes of the War Powers Resolution" as far as the 18 months is concerned. In other words, you would not agree to the authorization being for 18 months and then it being clear that to stay there the President would have to come back to the Congress, is that correct? The Secretary said: "That is correct."

So the administration is taking the position obviously, clearly, that the 18-month period, when it ends they can continue the troops there under this assertion of Presidential authority.

I then asked about the Lebanese Emergency Assistance Act, on which we worked so hard in this committee. And of course, that act requires a congressional authorization for any substantial expansion in the number of or role of U.S. Armed Forces in Lebanon. The chairman will recall that we worked on that carefully in this committee and in effect took the view that to substantially expand—we did not define what constitutes substantial expansion, and I pursued that the other day with the Secretary.

I do not think we have been able to define its limits. We have now revised upwards the number of troops in there from 1200 to 1600. Whether the role or number—substantial expansion of the number or role of the United States armed forces cannot take place without a congressional authorization.

I said to the Secretary: "Would the Executive again assert that it could do that under the Commander in Chief powers?" And the Secretary said: "Well, the President signed that act and it was their intention, if there was going to be significant change, to come and consult with the Congress." Well, as I said to him, there is a large difference between consultation and authorization.

I said: "Is it the Administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific Congressional authorization?" He said again that the President in his role, the constitutional role as Commander in Chief, would be very reluctant to tie his hands.

There is further questioning and it is in the record. It is clear through all of this, Mr. Chairman, that—well, let me just quote one other exchange. This was a question to the Secretary: As I pointed out—

The word "consultation" and the word "authorizaiton" are two very different things. As I understand the responses to the questions, the Administration, at the same time that it is seeking to obtain this authorization, is not in any way relinquishing its assertion of authority to increase numbers, scope, and time period.

The Secretary said:

I can only go back to the generality of it and say that the President has no intention of turning over to the Congress his constitutional responsibilities as Commander in Chief. Now, that does not mean that you ignore the Congress' wishes. It is only sensible to consult and try to move forward in tandem on these matters. But in the end, as a matter of principle the President must maintain his constitutional responsibility as Commander in Chief.

So it is clear to me from that exchange and from other parts of it which I have not quoted that, whatever the substantive terms of the resolution—and as I indicated, I have great difficulty with many of the substantive terms of this resolution—but whatever its substantive terms, the administration is asserting and reserving unto itself the authority to act as it pleases as to the number, as to the scope, and as to time period.

The CHAIRMAN. Thank you very much, Senator Sarbanes.

Senator BOSCHWITZ. Mr. Chairman.

The CHAIRMAN. I wonder if Senator Zorinsky and Cranston would mind deferring for just a couple of minutes while we try to clarify a couple of points here. I assume Senator Boschwitz and I would like to clarify two points that have been made.

Senator BOSCHWITZ. Since you and I are alone on this side, perhaps we could ask the indulgence of our friends on the other side, if we could respond just for a moment.

Most recently the Secretary of State, on the 21st of this month, a couple of days ago—the Senator from Maryland was quite correct that I was a little bit short-handed in my description of the objectives. So, a couple of days ago the Secretary of State was here and said:

In the beginning, we had essentially three policy objectives in Lebanon:

The withdrawal of all external forces from Lebanon;

Two, a sovereign, independent Lebanon, dedicated to national unity and able to exercise its authority throughout its national territory:

And three, security for Israel's northern borders.

And so forth. Back in August 1982, in that rather detailed plan that the distinguished Senator from Maryland pointed out with respect to our presence as the PLO was withdrawn, the same thing was said. I believe the President, in a letter to the President pro tem of the Senate outlining what the Senator from Maryland has said about our participation in the withdrawal of the PLO from Beirut, said that:

This step will not by itself [the introduction of troops to withdraw the troops from Beirut] will not by itself resolve the situation in Lebanon, let alone the problems which have plagued that region for more than 30 years. But I believe it will improve the prospects of realizing our objectives in Lebanon:

One, the permanent cessation of hostilities;

Two, the establishment of a strong, representative central government;

Three, withdrawal of all foreign forces;

Four, restoration of control by the Lebanese Government throughout the country;

And five, establishment of conditions under which Lebanon will no longer be used as a launching point for attack against Israel.

So that that was a year ago and very much in accord with what the Secretary said very recently.

Senator SARBANES. Would the Senator yield on that point? Because it is very important, and I am anxious, really, to have this exchange, because there are very important issues involved here.

The Senator has quoted the President correctly in his letter to the Congress of August 24. But the items which the Senator just quoted were the President's statements of realizing what our objectives were in Lebanon. Those items were not the statement of the mission and role of the forces that were being introduced in Lebanon.

That mission and role is set out earlier in the letter. It is very limited in terms of its purpose, to accomplish this departure. And it in fact contained the provision that if the departure broke down the troops would be brought out.

Now, what has happened is that the specific mission and role of the troops is being enlarged in such a way that it embodies now a vague generalized objective. In other words, is the Senator telling me that he now is undertaking the commitment of American troops in Lebanon in order to achieve; first, a permanent cessation of hostilities; second, the establishment of a strong representative central government—

Senator BOSCHWITZ. "Throughout Lebanon," is the language.

Senator SARBANES. I will get to that one in a minute.

Third, the withdrawal of all foreign forces;

Fourth, the restoration of control by the Lebanese Government throughout the country;

Fifth, the establishment of conditions under which Lebanon can no longer be used as a launching point.

Senator BOSCHWITZ. Senator, I thought you were going to ask a question, not to make an additional statement.

Senator SARBANES. Well, what is the answer to that?

Senator BOSCHWITZ. Let me, therefore, go to a second letter that the President wrote to the President pro tempore of the Senate, dated September 29, 1982, when he indeed did state the objects of the presence of the multinational force that is now there, which has been there for 1 year, as the Senator knows, and outlined them. The letter of September 29 perhaps the Senator has.

At that time President Reagan said that the purpose was to contribute forces to serve as a temporary multinational force, the presence of which will facilitate the restoration of Lebanese Government sovereignty and authority and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

You will recall that this was very, very shortly after the massacres that occurred in the Palestinian refugee camps, which really catalyzed the presence of the American troops and also the whole multinational force in Lebanon at that time.

The President continues that: "Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces." This was a year ago, Senator.

The President continues: "They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. Forces," and so forth. "This deployment of the U.S. Armed Forces is being undertaken pursuant to the President's constitutional authority," and so forth.

I might ask the Senator. That was 1 year ago. Did the Senator object at that time?

Senator SARBANES. Yes.

Senator BOSCHWITZ. I do not recall the Senator objecting at that time to the presence of the American Multinational Force.

Senator SARBANES. I joined——

Senator BOSCHWITZ. Pardon me, Senator. I do not yield, Senator.

Senator BIDEN. You asked a question. I thought you wanted an answer.

Senator BOSCHWITZ. No, I did not. I made a statement.

Senator BIDEN. I do not blame you for not wanting the answer.

Senator BOSCHWITZ. I just made a statement.

Senator SARBANES. The question was, did the Senator object.

Senator BIDEN. But he does not want an answer because he knows what the answer will be. [Laughter.]

Senator BOSCHWITZ. I see Senator Kassebaum arrived just in time. [General laughter.]

You know, my friend from Maryland said, if we were to declare war, against whom would we declare war? Why, we are not close to doing anything like that. That is not in the cards over there. We

have been there for 1 year. The President's objectives or what the President outlined in his letter of September 29 has indeed proceeded pretty much as he outlined it then. There have been some hostilities that have now occurred, and so we are sitting here.

If things had gone along as they had gone along, we have been restricted to the area which the President outlined at the time in his letter of September 29, and there have been some hostilities. There have been some American deaths. There have been some French deaths, as we have heard this morning.

But to say if we were to declare war, against whom would we declare war, really, I think, is somewhat expansive, just as, in my judgment, saying there have been four body bags, and in 6 months there will be 40, and 1 year from now there will be 400. I think that there is no justification—I hope that there is no justification, and I would think that the Senator really has expanded on the facts beyond necessity.

Senator BIDEN. Will the Senator yield for a question?

Senator SARBANES. Well, I think the Senator should have quoted the President's letter further.

Senator BOSCHWITZ. I yield.

Senator SARBANES. The President went on to say in the letter of September 29, and I am not going to leave this point, because it is very important, what the mission and purpose is, and it is being expanded and enlarged and generalized away from the specific, which makes it difficult to evaluate.

Now, I went into great detail about the specific purpose when they went in to obtain the PLO removal, and that was carefully worked out, and we understood what they were going to do, how they were going to do it, what the chances of achieving it were.

But even in this letter in which the President is expanding, he went on to say, and the Senator stopped short of this:

Although it is not possible at this time to predict the precise duration of the presence of United States forces in Beirut, our agreement with the government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

This is September 29, 1982, almost exactly 1 year ago. I am now quoting:

I want to emphasize that as was the case in the deployment of the U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. armed forces will become involved in hostilities. They are in Lebanon at the formal request of the government of Lebanon, and our agreement with the government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities, and will not interfere with the activities of the multinational force.

Senator BIDEN. Will the Senator yield for a question?

Senator BOSCHWITZ. I have yielded entirely.

Senator BIDEN. I would like to ask a question. The Senator suggested that there were now clear policy objectives, and I would acknowledge as he defined that there are clear policy objectives: Withdrawal of all external forces; a sovereign and independent Lebanon dedicated to national unity and able to exercise authority throughout its national territory; and the security of Israel's north-

ern border, so that the inhabitants of Israel can now live in safety without fear of artillery and rocket attacks.

Is the Senator saying, since those are the clear objectives, that a U.S. military presence will remain until those objectives are met? Is that what he is saying? Is that what the President is saying, in the opinion of the Senator? There are two questions. Do you think this administration is saying they will stay until they meet the objectives, and is that what you are suggesting we should do militarily, stay until those objectives are met, in the same way we said we would stay until the objectives relating to the PLO evacuation were met?

Senator BOSCHWITZ. I certainly agree with the Senator that the objectives are now more general than the objectives for the specific withdrawal of 6,000 or 7,000 PLO members through Beirut. I think at the present time we do not have an option other than to remain.

Senator BIDEN. I can understand the Senator's frustration.

Senator BOSCHWITZ. Are we going to remain there indefinitely? I would believe not.

Senator BIDEN. Not indefinitely. Are we going to tell the American—

Senator BOSCHWITZ. Certainly the President did not intend it to be indefinite.

Senator BIDEN. I know he does not intend it to be indefinite. I think he is a good man. But the fact of the matter is, are we telling the American people that those marines will stay until all external forces are gone, a sovereign and independent Lebanon dedicated to national unity and able to exercise authority "throughout its national territory," and until Israel's northern border is secure? Is that the commitment we are making?

Senator BOSCHWITZ. I do not believe so, Senator. I do not believe we are saying that we are going to be there interminably.

Senator BIDEN. No; I did not say interminably. Until those objectives are met. That is the question.

Senator BOSCHWITZ. In his letter of August 24, the President pointed out that, "These are problems that have plagued the region for more than 30 years." I am quoting him. Certainly the Senator from Delaware nor the Senator from Minnesota do not believe that we are going to be there for 30 years.

Senator SARBANES. Which letter is the Senator quoting from?

Senator BOSCHWITZ. The letter of August 24, Senator, on the third page.

Senator SARBANES. Which year?

Senator BOSCHWITZ. That was a letter that you spoke about, or at least the detailed plan for the withdrawal of the PLO from Beirut.

Senator SARBANES. Is that August 24, 1982?

Senator BOSCHWITZ. Yes.

Senator SARBANES. Is that the letter in which the President said that they would be there for 30 days, and that the departure plan makes it clear that in the event of a breakdown in its implementation, the Multinational Force will be withdrawn?

Senator BIDEN. While you are looking up—

Senator BOSCHWITZ. I am not sure that he says they will be there for 30 days. I do not see that immediately in the letter, Senator. But I do see—I do believe they spoke about a relatively short-term

stay, or that the expectation was, in the letter that you wrote, the part that you wrote, it says, "It is not possible at this time to predict the precise duration of the presence." I believe you read this sentence. On the bottom of page 1 on the letter of September 29:

It is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut. Our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

So, in answer to the question that was posed by the Senator from Delaware, will these broad goals all have to be met before we withdraw, I would think not, and I certainly believe that the Senator from Delaware does not think we are going to be there for 30 years—

Senator SARBANES. I think in order to accomplish these goals we have to be there for 30 years.

Senator BOSCHWITZ [continuing]. Which has been the duration of the problem that was outlined in the letter by the president of August 24.

Senator SARBANES. Well, the Senator is quoting two different letters.

Senator BOSCHWITZ. So, I think a certain realism has to be interjected in the situation. We are not going to be there interminably. The goals are indeed broad. I am not quite sure how to make the goals more precise, and I do not think that the Senator can reasonably tell me how to make them more precise.

Senator SARBANES. To answer that question—

Senator BOSCHWITZ. It is a difficult situation. So, the President talks in his letters about having a limited period of commitment. Probably it is longer already than he had intended. I hope that the period is limited, but I cannot see how we can withdraw at the present time. It would be my hope that at the first available time, we will withdraw. It would be my hope that the pressures that you bring to bear and that are brought to bear in the American Congress will cause President Gemayel to move a little more quickly in seeking some national reconciliation among the various elements. It is certainly hard to obtain.

It should not be that hard to obtain with the Druze. We see with the Druze, who have not been historically friends of the Syrians at all, suddenly allied with the Syrians. We see Mr. Jumblatt, whose father was murdered by the Syrians, in league now with the Syrians.

So, things can change, and things can change rapidly. The goals are somewhat broad. Indeed, they are somewhat broad. I do not know how you can make them more specific. The situation is a good deal different now than it was when we were going to have 6,000 or 7,000 people withdrawn from Beirut, and that was the confines of the objective. I think that we will be there for a time. How long, I am not sure. But I think that it will be limited.

Senator BIDEN. The Senator asked me earlier, and the chairman, about whether the President asked the Israelis to withdraw. Let me quote from this speech. The President of the United States was addressing the Nation on the formation of the multinational force on September 29, 1982, and he said, and I quote:

The Lebanese Government, with the support of its people, requested this help. For this multinational force to succeed, it is essential that Israel withdraw from Beirut. With the accepted cooperation of all parties, the multinational force will return to Beirut for a limited period of time.

Then, the next paragraph, quoting—

Senator BOSCHWITZ. Where are you?

The CHAIRMAN. Could we understand that this will be the concluding statement? I will withhold my questions of you so that we can go to Senator Cranston.

Senator BIDEN. Yes, this will be my concluding statement. I will just finish the quote. This is quoting from the President's address of September 20, 1982, for the purpose of responding to the criticism of my point that this administration has put pressure on Israel to move out and in part created the problem. Quoting.

Secretary Shultz, on my behalf, has also reiterated our views to the Government of Israel through its Ambassador in Washington. Unless Israel moves quickly and courageously to withdraw, it will find itself ever more deeply involved in problems that are not of its own making and which it cannot solve.

I would paraphrase that, mail it back to the President, and say, Mr. President, unless you quickly withdraw courageously, we will find you ever more deeply involved in problems that are not of our own making and which the United States cannot solve.

Senator BOSCHWITZ. What was the date of that?

Senator BIDEN. The date of that was September 20, 1982.

The CHAIRMAN. Thank you very much indeed.

Senator Cranston, as a welcome to your opening comments, I would like to say that I do believe, though, that Senator Biden and I both came to the Senate on the backs of Vietnam, differing strongly and harshly with the policy of the Government at that time, and I had to disagree with a man I honored, respected, and revered for years, my former professor, Paul Douglas, who really backed and supported every single marine that was sent in and every single soldier that was sent to Vietnam, and I differed with him sharply.

I think the debate today is one of the finest examples that I have experienced of the operation of this committee, and the recognition that we have a deep and long lasting responsibility. Precedent is being established for this President and all future Presidents as to how we get involved in a war, and the conclusions of our conversations, whether we agree or not with each other, we agree on one principle. We must share that responsibility as envisioned by the Constitution when it says only Congress can declare war.

But we never declare it. We just make it, and we get involved in it just as we are getting involved in this situation.

So I welcome your opening comments now.

Senator CRANSTON. Thank you very much, though I think they are hardly opening comments after all of these shots that have been fired, and the statements hurled this morning. I, too, came to Congress in the middle of the Vietnam war. I was elected in a campaign of opposition to that war, while my opponent was a strong supporter of the policies that we were then pursuing in Vietnam. It is partly as a result of that background and the thinking that I have done on these issues and the experiences that we have shared

together that lead me to this position. I strongly oppose the Baker resolution.

For the first time since Vietnam and since the invasion of Cambodia, Americans have been ordered into active combat without the approval of Congress. The War Powers Act grew out of the bitter experience of Vietnam. We designed it as a bulwark against the repetition of Vietnam. We wrote it to guard against the possibility that a President could ever again plunge us into hostilities on his own.

The Baker resolution is a new Gulf of Tonkin resolution. It gives the President a blank check. That is the way Secretary Shultz interpreted it under the very effective cross examination that Senator Sarbanes engaged him in. In summary, the Secretary said that President Reagan reserves the right to increase the size, increase the mission, increase the duration of the Marine deployment without congressional authorization, and without regard to the Baker resolution, if it is enacted.

I object to the Baker resolution for that reason. If it is meaningless, why enact it? Why give the impression we are doing something we are not doing? I object to the meaningless 18-month provision. It is no limit, according to Secretary Shultz. I object to the meaningless restrictions on what the forces now there can do.

Those restrictions, according to the agreement between the United States and Lebanon on United States participation in a multinational force, the agreement dated September 25, limit our purposes to the deployment temporarily of a force of approximately 1,200 personnel, as part of a multinational force to establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area. We are restricted to that area, and that is endorsed in effect, those restrictions, by the Baker resolution, but they are meaningless, according to Secretary Shultz. I would object to them if they were not meaningless.

When American military personnel are committed to hostilities, I do not believe it wise to place any restrictions upon what the Commander in Chief believes is necessary for their protection and for their fulfillment of the mission. For us to seek to restrict what the Commander in Chief can do when he does have American troops engaged in hostilities is, again, to place us in a position where we would be fighting a war that we cannot win, with our hands tied. That places the Americans there in grave, grave danger. If you cannot increase the number from 1,200, you simply wait until the 1,200 are killed and you replace them with others, and they are killed, and you replace them with others.

For those reasons, I would oppose the limits if they are meaningful, but I also oppose them because they are not meaningful, and because they thus mislead the American people as to what we are doing. The Baker resolution gives the impression that we are doing what President Reagan through Secretary Shultz asserts we cannot do. Thus, President Reagan is defying Congress. He is defying the War Powers Act. At least he is defying this interpretation by Congress of what we are entitled to do under the War Powers Act.

The President of the United States must obey the law of this land. President Reagan is not doing so. The law of the land, the War Powers Act, clearly requires him to act under the War Powers

Act in the circumstances that now prevail in Lebanon. No one is above the law in this country, least of all the President, as Richard Nixon learned. Our democracy is in danger, and our freedoms are undermined and threatened if a President, of all people, seeks to put himself above the law and beyond the law.

The President should report in accordance with the law to Congress under section 4(a)(1) or 4(a)(2). If he refuses to do so, Congress should invoke the War Powers Act, as Senator Byrd's resolution does, or as the first section of section 2(b) of the Baker resolution does. That is the only provision of the Baker resolution that I deem supportable.

Following invocation of the War Powers Act, the President must within 48 hours submit to us in Congress and thus to the country a statement setting forth the current estimated scope and duration of the hostilities and involvement as required by the War Powers Act. The Congress can determine, and only then can Congress determine whether the Marines should be there for 60 or 90 days or whether their deployment should be extended.

Secretary Shultz spelled out when he appeared before the committee the policy objectives that Joe Biden read a moment ago. They are very far-reaching, very general. It is impossible to estimate when they might, if ever, be fulfilled. The struggle to create an independent Lebanon dedicated to national unity has been going on for many, many years, without success.

There are an incredible number of factions that are opposed to that under present circumstances. That would seem to be an everlasting mission, and Secretary Shultz, when he appeared before this committee, did not set out any timeframe as to when the mission might be accomplished, as the War Powers Act would require him to do.

Let me look to the future for a moment, beyond Lebanon. This is our first experience under the War Powers Act since it was written, since Vietnam. I think we are learning how deficient it is. Many Senators and many Representatives think the Marines should not be in Lebanon, but they are reluctant to withdraw them once they are under fire, because of the impact that would have upon America's standing in the world, and it would lead to questions as to our staying power, and as to our willingness to fulfill missions that are undertaken and complete them.

The problem is that the President landed us in this situation, not complying with the War Powers Act, and we now face the difficult question of what do we do about it. This would not have occurred if the Senate version of the War Powers Act had become the law of the land when the War Powers Act was being considered.

Under section 3(d) of the original Senate-passed War Powers Resolution, in the drafting of which Senator Eagleton and Senator Javits played a very big part, U.S. troops could not have been deployed as they have been deployed in Lebanon. Section 3(d) of that Senate-passed version allowed troop deployments only if necessary for the following specified purposes: First, repel or forestall any attack on the United States; second, rescue U.S. citizens; or, third, pursuant to a declaration of war; or, fourth, pursuant to a specific congressional authorization.

If that had been the law of the land, President Reagan could not have done what President Reagan did, get us into Lebanon and

then confront us with a fait accompli. The Senate version of the War Powers Act was watered down after the House took action in a different way, and the compromise was what became the present law. The present law plainly cannot prevent a Lebanon. The present law plainly cannot prevent our involvement in hostilities in Central America. The present law cannot prevent our involvement in hostilities in a new Vietnam somewhere else on the face of the earth.

So, I suggest that after this exercise is over insofar as Lebanon is concerned, whatever the outcome, we should consider launching an effort to revise and strengthen the War Powers Act. I think the wisest course would be to go back to that original Senate version. That would prevent us from being confronted by the very difficult circumstances that confront us here, and more importantly, it would prevent American Marines from being involved in the circumstances that they now find themselves facing in Lebanon with casualties and with deaths already having occurred, and with more in prospect.

The CHAIRMAN. Thank you, Senator Cranston.

With the indulgence of Senator Kassebaum, I would like to say that I agree completely with your concern, but I disagree completely with your conclusions. I think really that Senator Javits, in his letter to the committee, has put it very well, because I do not think we can underestimate what the Baker-Percy resolution offers us. It places us under the War Powers. It means that any time we disagree with the President, we can act, and we can pass a resolution.

Senator Javits says, the Congress may direct a sooner withdrawal of the Marines and the Marines continue in Lebanon only as part of a multinational force and in their present numbers. I believe the force of public opinion would back the Congress and heavily influence the President's decision whether or not to veto any such joint resolution for the earlier withdrawal of the Marines, or would sustain the Congress in the override, or in acting by concurrent resolution, so I do feel we have made with this resolution that will be before us considerable progress.

But your concerns are very, very real indeed. I would like to put a question to Senator Sarbanes and—

Senator CRANSTON. Mr. Chairman, I would like to first simply respond by saying that within 48 hours of this moment the Secretary of State stated in effect that the Baker resolution was irrelevant. He did not place the interpretation that you place upon it. He made plain that the administration will not abide by any limits that are placed in this resolution, including the 18-month restriction, and including restriction upon actions by our military people in Lebanon.

The CHAIRMAN. I would like to give my interpretation of the resolution. I think we would stand together in interpreting the resolution in this way, that the withdrawal of forces from all of Lebanon, whereas it may be a goal, does not mean, and I do not intend it to mean, or at any time did I intend it to mean, that the mandate of the multinational force extends beyond the Beirut area. Certainly, that is the mandate.

That is our clearcut understanding. It does not permit the President, and if I am wrong, I would want the administration to so

advise, that they do understand the interpretation, but it certainly would not permit them to go up into the borders of Syria, for instance, to carry out our overall goals. They would have to have a new mandate from the Congress to go, say, into Syria.

Our area is limited to the Beirut area, and that is a broad interpretation, but it does not mean that it can go beyond that.

Senator CRANSTON. Mr. Chairman, the opening language explaining what Senate Joint Resolution 166 is all about says that it provides authorization for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon. That is what Secretary Shultz said to us yesterday. He also said that our objective was a sovereign, independent Lebanon, dedicated to national unity, able to exercise its authority throughout its national territory.

If that is our mission, I do not know how we perform that mission by restricting our activities to the Beirut area. We are talking about a national situation covering all of the territory of Lebanon.

The CHAIRMAN. But I do separate our goals, our stated goals, from the mandate that was provided and from the authority being provided under the Baker resolution today. I would like to put a question to—

Senator CRANSTON. Let me just add that the trouble with that is, the Reagan administration interprets this in a much broader way. They recognize no limits, and in the Gulf of Tonkin resolution, No. 1—this is No. 2—we sought to limit what could be done in Vietnam, but it turned out to place no limits in regard to the decisions that a President of that day, Lyndon Johnson, a Democrat, chose to make. This is not a partisan matter. We had deep, deep differences over the way Lyndon Johnson, Democrat, proceeded in Vietnam, and many of us have deep, deep differences with the way Ronald Reagan, Republican, is proceeding in Lebanon.

The CHAIRMAN. Thank you.

I would like to ask Senator Sarbanes, because he has gone back over, helpfully, to all of us, the history of our stated goals and objectives, to comment specifically on the objectives that Senator Cranston just alluded to. Originally, the administration had three policy objectives in Lebanon, and Secretary Shultz, on questioning, reiterated that those same three policy objectives stand for the administration.

Senator Sarbanes, do you agree or disagree with any one of those three, the first being the withdrawal of all external forces from Lebanon? Is that a policy goal that the U.S. Government now has with which you agree or disagree?

Senator SARBANES. Mr. Chairman, I will answer them all. You do not have to go through them. I will answer them all. What my concern is, is that the policy objectives which the Government has, with which I do not disagree, are becoming the purpose and mission to be achieved by the troops committed into Lebanon as part of the multinational force.

Now, if that is what is happening, I have very serious concerns about that. I do not think that these, while they are worthwhile policy objectives, should constitute the basis on which the troops are being committed, and that we are undertaking a commitment of those troops, first of all, to bring about those policy objectives.

I mean, is it the intention that our troops are going to engage in the effort to establish the jurisdiction of the Lebanese central Government over all of Lebanon? Is it the policy objective that our troops are going to be used; is it their mission that they are going to be used to in effect evict foreign forces from Lebanon? I think as a policy objective we want to get those forces out. It is a much different question whether you are saying that that is a mission of our troops as part of the multinational force.

What is happening is that those policy objectives are becoming the mission and purpose of the troops.

The CHAIRMAN. I think that clarification, your understanding of it, the differentiation between our stated goals and the mandate of the peacekeeping force must be made. I want on the record to concur that I see a distinction. We should try to achieve our objectives through the training of forces. We have seen a remarkable improvement in the Lebanese military forces. We have seen a sort of coming together, though it occasionally falls apart, and then it comes back together again. We hope the cease-fire will move forward now.

But I concur with you that there is a distinction and a difference, and the mandate that we are providing under the War Powers Act now in the Baker resolution is not a mandate to carry out those stated goals and objectives that we have long held. We could not imagine that a limited peacekeeping force would possibly carry out those goals and objectives. Those goals and objectives essentially must be done by the Lebanese themselves.

Senator SARBANES. Mr. Chairman, on that point, then, I put to you the question, Why the joint resolution introduced by Senator Baker and you? And I am now quoting. It is entitled, "Joint Resolution providing statutory authorization under the War Powers Resolution for continued United States participation in the Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon."

I mean, that is the point I am trying to make. What were previously put out as policy goals to be achieved by all of American policy, diplomatic, political, economic, military, are now becoming the specific mission of the American troops. That is stated right here.

The CHAIRMAN. I will answer that question, but that really leads me to my question to Senator Biden. I foresee this, if those peacekeeping forces are now withdrawn, I foresee a collapse of Lebanon. I therefore feel that with the collapse of Lebanon, there would be no possibility of having all of those foreign forces withdrawn. They would dig in even deeper. So, my question to you—

Senator CRANSTON. Mr. Chairman?

The CHAIRMAN. And I, therefore, feel that the presence of those peacekeeping forces there is essential at this particular time, all the multinational forces, in order to prevent the collapse of Lebanon.

Senator CRANSTON. Mr. Chairman, that suggests that some of us who have been presenting a different view want the peacekeeping force withdrawn forthwith. We have not so stated. None of us has. We have stated that the President should obey the law. We have stated that the President should spell out the purpose and how

long it is going to take. That has not been done. Then we have time under the War Powers Act to decide whether we wish those troops to stay after we understand their mission and how long it will probably take, and we can extend the time if we see fit to do so, and we can extend the time again if we see fit to do so.

But now we are just giving a blank check, and that is what we object to.

The CHAIRMAN. That is what I would like to clarify, and give Senator Biden an opportunity to clarify what his position really is, because it is an important position for us to understand.

Did I understand you to say or imply in any way that we should withdraw our peacekeeping forces from Lebanon now?

Senator BIDEN. The answer to that question is, if the stated objectives remain the same, yes, because they are not able to be accomplished. If the stated objectives are prescribed and defined, then my answer will be no. You are correct, Mr. Chairman, that in my view, if in fact we were tomorrow to pull out the Marines, I do not think it would be a matter of weeks before the Gemayel government would collapse. That would not be good.

But what is in fact at stake here is my concern over whether or not this administration has a policy. Now, that sounds awfully partisan. I do not believe that the last administration had a coherent policy in the region, and I do not believe we had a coherent policy in Vietnam, to take it all the way back to that. What is happening here is the same thing, in my view, that happened before.

There is an analogy in terms of the modus operandi with Vietnam. Military steps were taken in Vietnam to deal with problems in a society that we did not begin to understand. That is what is happening here now. Second, these steps were gradual. They were gradually increased. That is what is happening here now. And third, there was assurance by the President that nothing was really changing when in fact there was something substantially changing.

I take the President and the chairman and the majority leader at his word when he says, and I am reiterating here, that this is done in order to obtain withdrawal of all foreign forces from Lebanon. That to me is a clear stated objective.

Senator Boschwitz and I had a lengthy exchange. He outlined in his words, and then we went back and got the record, what the objectives are.

Lastly, Mr. Chairman, to reiterate the point that Senator Sarbanes made in response to your question of what the policy objective is, and you asked, do you agree or disagree, I agree with the policy objective just as I agree with the policy objective that Poland should be a free democratic society. Poland should be free. That is a policy objective of the United States of America. That is fundamentally different from saying that we are going to take the multinational force known as NATO and interject it into Poland until that policy objective is obtained.

Now, if the President is going to come forward or the Secretary of State come to this committee in the context of debate over a 60-day war powers extension and would say to us, although it is our policy objective, we are not committing American troops until they are accomplished, because we believe it will be difficult; we are

making incremental movements that are as follows; we are trying to see to it that the Gemayel government has another 60, 90, 120 days, 6 months, in order to secure the greater Beirut area, and it is not reasonable to assume that there will be unity of Lebanon beyond that as a consequence of military action, that that will only come about as a consequence of diplomacy, then I would be much more inclined to say, yes, but that is the basis of my concern.

I know I got this hearing off on the substance of whether or not we should be there rather than the more technical question of whether the War Powers Act prevailed, but the reason I did it is because of my concern. I have thought this all through. I started out by saying, yes, obviously, we cannot pull these folks out, because things will collapse. That is clear. Then I started thinking like a foreign policy type, and therefore that means such and such.

And then I went home, and one of my family members said to me, are you for them staying in Lebanon? What for? And I told them what for, to get a united Lebanon. And then the comment was, do you think that can happen? And then I had to start to think about it. The answer is, I do not think there is any reasonable prospect of that happening.

Now, if that is the objective, then it seems to me that is one that is not capable of being accomplished. So it seems to me that we ask ourselves several questions. One, what is the objective? To what extent is a military commitment in Lebanon there to accomplish these objectives? How realistic is it that these objectives can be achieved, and in what timeframe? What is the damage to U.S. interests if these objectives are not met? And is there more damage to U.S. interests to limit the objectives? And, to what extent is our commitment to achieve these objectives with the Marines tied to a continued commitment of the multinational commitment in the region?

They seem to be pretty basic questions we should ask and get specific answers to before we sign on for 6 months or 18 months or any other number of months. Once I know the objective, then I am prepared to decide whether or not I will sign on, but the objective is too broad.

The CHAIRMAN. Senator Biden, thank you very much indeed.

We will now yield, just as soon as I make a quick statement in response to that, to Senator Kassebaum, and then to Senator Mathias.

What I do hope is that we can work out, just as we did in the Korean flight 007 situation, a totally bipartisan policy. I think this dialog has helped clarify a great deal where each of us stands.

With respect to your comments on the number of troops, the 1,200 number is an average of troops on the ground. There are 600 additional support troops in the Marine amphibious unit. Half of these, or a total of 1,500, may be in Lebanon at any one time, according to General Kelley, and the interpretation that they put on that—

Senator BIDEN. As Senator Cranston said, Mr. Chairman, we should not be telling them how many troops. If we state what our objective is, and I agree to it, then the military should do it, and if it takes 5,000 troops to do it, to protect those folks, then give them 5,000. If it takes 200, give them 200. We are not competent to make

that judgment, nor is Secretary Shultz. The General is, but nobody else is.

The CHAIRMAN. Senator Biden, I want to also say that on that point, legislation is not interpreted from the title of the bill at all. The key language in the Baker-Percy resolution is found in section 3 of the authorization. The President is authorized to continue participation by U.S. Armed Forces in the multinational force in Lebanon. Such participation shall be limited to—limited to—performance of the functions, and shall be subject to the limitations specified in the agreement establishing a multinational force in Lebanon.

That means it is limited to approximately 1,200 personnel. It is limited to the Beirut area. And it is not a combat mission.

Senator BIDEN. I can respond to that.

The CHAIRMAN. So our resolution is extremely limited. Let me just finish, and then I will be through.

Senator BIDEN. In response to that point, Mr. Chairman, in paragraph No. 2, where it says "Short Title"—this is beyond the title, now—it says, "This joint resolution may be cited as the Multinational Force." Then it says "Findings and Purpose," section 2(a), and then it has 2(a)(1) and (2). Paragraph No. (2) on page 2, starting at line 4: "In order to restore full control of the government of Lebanon over its territory, the United States is currently participating in," et cetera.

Now, are you prepared to strike that whole paragraph?

The CHAIRMAN. Those are findings and purpose, but the express authority, the authorization for continued participation of U.S. Armed Forces in the multinational force, and then the limitations are put in, and the limitations are extremely severe, severe enough that I think the administration would like them to be broader, but this was negotiated, agreed up, and the President has said he will sign this. He has agreed to those limitations.

Senator SARBANES. Is the President citing, because Secretary Shultz made it very clear that the President is reserving his constitutional authority to increase the scope, number, and time period. If the President were—

The CHAIRMAN. We are also preserving our right to end that.

Senator SARBANES. By a joint resolution which he can veto. If the President were to assert his constitutional authority, and then say to the chairman, I am doing it in order to achieve the finding and purpose of the Congress in section (2) of Senate Joint Resolution 166, to restore full control by the Government of Lebanon over its own territory, or first, the removal of all foreign forces from Lebanon, what would the chairman's reaction be to that? You have given him a finding here that we pointed to in the assertion of his reserve constitutional authority.

The CHAIRMAN. I think the authority is strictly limited by section 3, and that is the authority under which he must operate, and we will interpret in every way we can, and get an interpretation from the administration as we take this to the floor that they recognize those limitations, but if I could go back finally to Senator Biden's comment, I think this colloquy has helped clearly define the fact that though you are concerned and I am concerned about the presence of those forces there, you recognize and appreciate

and fully have explained your position and knowledge that the withdrawal of those forces now would cause the collapse of the Lebanese Government.

In my judgment, if that happened, this country would never tolerate, and we would find ourselves in a position of concern by all nations on earth, every ally we have, that we would have pulled the rug out from under a government that still today has a chance to survive in a part of the world that is absolutely vital to our national security interests.

Senator BIDEN. I agree with you in part A of what you said, not part B. The only thing worse than letting the Government fail is to commit America to these objectives. That is why I said at the beginning, if you will recall, the Hobsian choice this administration gave us by making the commitment of the troops in the first instance.

The CHAIRMAN. Thank you.

Senator Kassebaum?

Senator KASSEBAUM. I really do not think I have much to add in a constructive way to this debate. It has been an interesting one. I would only say that we seem to have gotten caught up in the difference between policy goals and whether our troops are going to be indeed initiating and sustaining the formation and formulation of those policy goals.

We all, I think, would feel we had to have policy goals. I think the United States, being part of the multinational force with England and France and Italy, at this point in time is not involved in seeing that those goals are being met. They are there just to provide an atmosphere in which it is hoped somebody, whether it is President Gemayel—

Senator BIDEN. Would you be willing to put that into the resolution, Senator?

Senator KASSEBAUM. Spelling that out?

Senator BIDEN. Would you be willing to strike paragraph 1 and paragraph 2? Why do you need it?

Senator KASSEBAUM. Well, the author of the bill is here. You can debate that with him. I would only say I do not think a further constitutional argument at this point in time helps the situation in Lebanon at all. We would all agree it is a quagmire; 18 months is a long time. But we are not giving a blank check. It might be a broad one, but there still is a mechanism there by which we can exercise and voice our concern and require a two-thirds vote that the troops be removed.

Senator BIDEN. Thank you, Senator.

The CHAIRMAN. Thank you very much, Senator Kassebaum.

And now, Senator Mathias, appropriately, you can be the windup hitter on this one.

Senator MATHIAS. Well, I appreciate the opportunity to discuss the resolution, which would authorize a 6-month commitment of U.S. forces in Lebanon, which would be the statutory 60 days plus an additional 120 days, making a total of 6 months.

First, it might be useful to give a little of the background of why I introduced this resolution. Then I would explain how I think it relates to the other resolutions that are pending.

On the 30th of August, after we had received the tragic news that two marines had been killed by hostile fire in Lebanon, I wrote privately to President Reagan urging him to invoke the War Powers Resolution and to seek congressional participation in the difficult decisions facing the United States in Lebanon. I made this request, as I told the President, because I believed that new conditions existed which required both the executive branch and the Congress to reexamine their responsibilities under the War Powers Resolution.

On the 1st of September, Kenneth M. Duberstein, assistant to the President, acknowledged my letter, stating that it was being shared with appropriate foreign policy advisors.

Mr. Chairman, so that the record can be complete, I would request that copies of both of those letters be made a part of the record.

The CHAIRMAN. Without objection, they will both be incorporated in the record.

[The letters referred to follow:]

U.S. SENATE,
Washington, D.C., August 30, 1983.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I share with you a deep sense of sorrow that once again American Marines have died in the line of duty. I agree with you, furthermore, that the presence of U.S. Marines in Lebanon along with the other elements of the multilateral force, has helped to maintain the peace in that troubled country.

However, in your letter of September 29, 1982 to the President of the Senate you noted that "there is no intention or expectation that U.S. Armed Forces will become involved in hostilities." Unfortunately, hostilities have now occurred in which American lives have been lost.

I firmly believe that the United States has a continuing role to play in efforts to reconstitute a strong, viable, and united Lebanon.

However, as one who participated in the drafting of the War Powers Resolution I am also concerned that the responsibilities of the Executive Branch and the Congress under that legislation not be neglected.

Under the legislation a process is initiated when, as set forth in Section 4 (a)(1), United States Armed Forces are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Given the tragic events in Lebanon, I believe that new conditions exist which require that both the Executive Branch and the Congress re-examine their responsibilities under the War Powers Resolution. In this regard, I respectfully urge that you now submit a report to the Congress pursuant to section 4(a)(1) of the Resolution.

With best wishes,
Sincerely,

CHARLES McC. MATHIAS, Jr.,
U.S. Senator.

THE WHITE HOUSE,
Washington, D.C., September 1, 1983.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your August 30 letter to the President, in which you convey your concerns with respect to the situation in Lebanon and urge that the President now submit a report to the Congress pursuant to Section 4(a)(1) of the War Powers Resolution.

The President, appreciated hearing from you in this regard. Please know that your letter is now being shared with the appropriate foreign policy advisers for their review and response.

With best wishes,
Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

Senator MATHIAS. I was particularly disappointed that the President did not choose to report to Congress under section 4(a)(1) of the resolution, but I did not give up hope that on reflection, he would do so, but by September 10, when I had heard nothing further from the White House, I stated publicly that I would introduce a resolution on September 12, when the Senate reconvened, and by giving this advance notice, I hoped that the President might take that initiative himself.

But by September 12, it was clear that the White House did not intend to act, and so I introduced the resolution.

We are therefore, Mr. Chairman, meeting today not at the initiative of the President of the United States, but on our own initiative, and I regret that. Winston Churchill once said that a problem postponed is a problem half solved. Today, I fear that we are applying this churchillian principle.

We have before us three resolutions, and very frankly, I think none of them, including my own, is entirely satisfactory. The President has expressed reservations about even the compromise resolution, essentially postponing the constitutional issues for another day. I think nothing in any of the resolutions brings us to grips with the central issues facing the Nation in Lebanon and the Middle East, as Senator KASSEBAUM has just observed.

The most serious shortcoming of the resolutions is that they offer only partial restrictions on the uses of American forces in Lebanon. They affect the 1,200 marines on shore, but under the protection clause do not very tightly restrict the level of U.S. air and sea power which can be used.

At this very minute, the U.S.S. *New Jersey*, the only battleship in commission, is steaming toward the Mediterranean to reinforce the naval complement there, and having once served as a gunnery officer in the U.S.S. *New Jersey*, I can assure the committee from personal experience that the *New Jersey* lying off Lebanon will be a formidable escalation of our forces in that area.

Now, these resolutions also leave unresolved what is rapidly becoming the central dilemma of our evolving policy in Lebanon. For many years, the United States has been an honest broker in the Middle East. We have been able to play the role of peacemaker in a turbulent and troubled area because we have always been able to speak to the opposing sides in the regional conflicts that have plagued the Middle East. But our involvement, our participation as parties in these hostilities threatens to compromise that unique ability, that unique American ability to act as a peacemaker, and once that happens, you have to ask the question of who will fill that void.

Yet these resolutions before us, our meeting today, the floor debate that will follow do provide Members of the Senate with opportunities to be heard and to create a legislative record. Nevertheless, in the final analysis, we are left with what I consider to be unsatisfactory choices. I think my resolution, with its 6-month authorization, offers the most prudent course. The 6-month time-

frame would require congressional review at an earlier date without at all prejudging what that review would determine.

It seems clear to me that while the age-old problems of the Middle East will not be solved in 6 months, or 8 months, or 18 months, we will surely know within the next several months whether the situation in Lebanon is going to degenerate into hopeless civil warfare or whether the various Lebanese factions will be able to devise a political framework in which to rebuild their nation.

If I am wrong about this, and by the end of the 6-month period we still do not know whether a negotiated settlement is possible or not, then it will be high time reassess our policy.

Mr. Chairman, since introducing the resolution, several technical questions have come to my attention, and I would offer two amendments, if that is in order at this time, to my own resolution.

The CHAIRMAN. Without objection, we will allow Senator Mathias to go ahead with these two modifications then.

Senator MATHIAS. I would explain them very briefly then. One is to provide that the President report on a 3-month basis to the Congress on the status of affairs in Lebanon.

The CHAIRMAN. Do you so move?

Senator MATHIAS. I so move, and I have the technical language.

The CHAIRMAN. I will second that.

Could we have copies of that distributed to the members?

Senator MATHIAS. Yes.

The second new section I would add would provide, and this may be out of an abundance of caution, because there is language which deals with this in the War Powers Act itself, it would provide that if there was to be a resolution of withdrawal adopted at some future time, that would be a privileged matter to be dealt with under the expedited procedures, if passed in one House and referred for not more than 15 days to the appropriate committee of the other House, and then proceeding to the floor as a privileged matter to be disposed of within 3 days on the floor.

The CHAIRMAN. This would be a privileged matter that would override any other privileged matter, such as budget considerations?

Senator MATHIAS. Yes; now, as I say, there are provisions in the War Powers Act that deal with this, but as I say, this question is so important that we should leave no doubt whatever that a withdrawal resolution would be a privileged one.

The CHAIRMAN. Senator Mathias, do you want to offer these resolutions and have them voted en bloc?

Senator MATHIAS. Yes, I do.

The CHAIRMAN. Do you offer the second one then?

Senator MATHIAS. I do.

The CHAIRMAN. I second them en bloc.

Is there discussion on the resolutions before us?

[No response.]

The CHAIRMAN. If not, all those in favor of the Mathias resolutions modifying his own original resolution, say aye, that is, amendments to his resolution, say aye.

[A chorus of ayes.]

The CHAIRMAN. Those opposed, nay.

[A chorus of nays.]

The CHAIRMAN. There are two nays by voice. It appears the ayes have it. The ayes have it.

Senator Baker, we are pleased to have you join us this morning. Excuse me. Senator Dodd has not yet commented.

Senator DODD. Mr. Chairman, I would pass up the opportunity. Thank you.

Senator CRANSTON. Mr. Chairman, may I say, at the appropriate time I want the right to offer a substitute?

The CHAIRMAN. All right, fine.

Senator Baker.

Senator BAKER. Mr. Chairman, I do not believe I have anything to say at this moment. I would point out that the authority of this committee to meet expires at noon, and that is a problem, so the better service that I can render the committee is to leave here and to go back to the floor and try to extend that time.

Might I inquire of the chairman and perhaps of the members how long you think it will take to mark up? I notice from the transcript that the voting is supposed to start at 12 o'clock. Shall I extend it to 12:30, if possible, or 1 o'clock? What would be your preference?

The CHAIRMAN. My own feeling would be that we could finish by 12:30. We are in a markup session which by unanimous-consent procedure established on September 21, and I know Senator Sarbanes questioned this, and we will be careful in checking with every member on this as much as possible hereafter, but by that unanimous consent request we were to begin our session this morning at 9 a.m., and we will have a final vote on resolutions, and they will be offered in the sequence of their having been offered. A vote on all three resolutions or whatever resolutions have been introduced at that time in sequence beginning at 12 noon.

Therefore, if we could extend the time to 12:30, I think that would be adequate. Without objection, we will ask the majority leader to do that.

Senator BIDEN. If you can get 1, Howard, do it, just in case. I mean, I would hope we could get by with 12:30.

The CHAIRMAN. We also have the State Department bill which we would like to finish by a deadline of 2 o'clock. If we could get finished here by 12:30, it would certainly facilitate that. We have an hour and a half's work, and I hope we can finish that bill by 2 o'clock. I understand that would be probably the last vote today.

Senator BAKER. We will exercise the absolute precision of legislative judgment and split the difference. I will ask for 12:45. [General laughter.]

Senator SARBANES. Mr. Chairman, may I ask some procedural questions, particularly before the majority leader departs?

Senator BAKER. I am sorry?

Senator SARBANES. I wanted to ask some procedural questions, and particularly before the majority leader departs. First of all, the objection I entered the other day to a request at the end of the day to undo that procedure expresses a separate concern I have about these unanimous consent requests changing the regular order of the committee. We dealt with that on the nuclear freeze issue, and it came up again.

I have no strong view on the procedure to follow here, and if in fact the committee wants to move to a different procedure, and operate off a different vehicle, and seek to amend it, that is acceptable to me.

The CHAIRMAN. Fine. Thank you.

Senator SARBANES. So the point that was made was not necessarily to lock in this procedure. It was to make a different point.

Second, I understand under the War Powers Act any resolution we bring out then becomes the privileged business.

The CHAIRMAN. That is correct.

Senator SARBANES. And then there are 3 days for debate. I take it while the committee would act today, it would not be filed or reported, technically reported in the Senate and hence become the privileged business until Monday. Is that correct?

The CHAIRMAN. That is correct. And we will file a report over the weekend.

Senator SARBANES. So the third question is, will we also obtain over the weekend expedited printing of the hearing held on Wednesday and the markup session this morning, so that the transcript of those two hearings will be available to the Members of the Senate when this matter is taken up for debate, as well as whatever report may accompany whatever resolution is brought out?

The CHAIRMAN. I think it important that we do have this report available on Monday, and we will take such procedures as are necessary to have expedited printing of those, so that both records will be available on the floor on Monday.

Senator SARBANES. That is feasible, I take it, to achieve.

The CHAIRMAN. It is feasible. The nod of the head of our court reporter is all we need.

Senator SARBANES. I mean, we will have printed hearings, not a Xeroxed transcript?

The CHAIRMAN. That is right.

Senator CRANSTON. Mr. Chairman, I have a procedural question also.

The CHAIRMAN. Yes, Senator Cranston.

Senator CRANSTON. Does the 3-day rule of the War Powers Act apply to this resolution?

Senator BAKER. Mr. Chairman, may I reply to that?

The CHAIRMAN. Please.

Senator BAKER. I inquired of the parliamentarian, and his ruling would be that since this is statutory language, and since it applies to the procedure of the Senate, it is in effect a statutory rule of the Senate, and would supersede all other rules except for rule 22. Therefore, the 3-day rule and the 1-day rule would be waived.

Senator CRANSTON. I was referring to a 3-day rule where you have to dispose of an action under the War Powers Act in 3 days.

Senator BAKER. Three days does apply to the resolution we will report, and that means 3 calendar days, and as a practical matter, if you file this report on Monday or over the weekend, it will become the pending business by statute on Monday when we convene after the two leaders are recognized under the standing order, and it will remain the pending business until it is disposed of not later than 3 calendar days from then, which is Wednesday.

The CHAIRMAN. But it is understood there will be no votes on Monday on this resolution.

Senator CRANSTON. Is it possible, Mr. Chairman, and I am speaking also to the majority leader, is it possible to work out a unanimous consent agreement for a time certain for a final vote?

Senator BAKER. Sure, and I would welcome that. I would think it would be a good thing to do, and I will discuss that with the minority leader, if I may.

The CHAIRMAN. I think the minority leader already indicated that he would like to see that.

Senator BAKER. I think the committee feels kindly toward that, if possible.

Senator BIDEN. Mr. Chairman, Mr. Leader, how are the time and amendments allocated, if you know?

Senator BAKER. No, I do not. I will find that out for you.

Mr. Chairman, may I say a word before I leave to try to save us from extinction by operation of law?

The CHAIRMAN. Please.

Senator BAKER. Just so the procedural situation is clear, as Senator Cranston pointed out, he will have a substitute to offer, and I will have either a substitute or an amendment to offer to the Mathias amendment, which I understand will be the first amendment up. If that is the case, then I would propose to either amend or substitute for the Mathias language, but in that connection, let me say, if I offer a substitute, it will be only a partial substitute, because I would not wish to displace the two amendments which were offered by Senator Mathias this morning and which have been accepted.

So, I just would let the committee know that on those two amendments, I am not speaking from the administration, I am speaking for me, that when I do whatever it is that I am going to do, I will not substitute for those two provisions. Indeed, I will protect those provisions and support them.

Senator MATHIAS. Or else have a fight. [General laughter.]

Senator BAKER. Well, I hope not a fight. I think they are good proposals, and I would point out two things. Senator Mathias pointed out one of them already, and that is that the War Powers Act itself probably gives such status to a subsequent resolution to withdraw troops. That is expedited procedure, but this makes it crystal clear, and I think we should make it clear that any subsequent resolution, joint resolution to do that would have the same privileged status as the War Powers Resolution under section 5.

The second part on the 3 months' report instead of the 6 months' report, the resolution that is under consideration in the House that has been reported by their committee says the report will be not more than 6 months, so it is possible that it would be 3 months under that resolution, but I have no problem with that.

Senator MATHIAS. I would rather not leave that in doubt, because a lot can happen in the Mideast in 6 months.

Senator BAKER. Exactly right. Let me reiterate, I am not speaking for the administration. I want to make it perfectly clear that this is my statement and not that of the administration. But I will support Senator Mathias' two amendments, so that when I proceed

it will be in a manner that will preserve those two amendments as a part of whatever initiative I offer.

Senator SARBANES. How does the Chair intend to proceed?

The CHAIRMAN. Let me reiterate then what the procedure would be, and perhaps Senator Pell would care to clarify one point. Under our established procedure, the Mathias amendment—excuse me, the Mathias resolution as amended would be the pending order of business exactly, precisely at 12:00 o'clock.

After disposition of that, if it is, say, defeated, then the Byrd resolution would be the pending business, and could we have a clarification from Senator Pell as to his intention with respect to the Byrd resolution?

Senator PELL. Thank you, Mr. Chairman.

On behalf of Senator Byrd, I would like to withdraw his resolution.

The CHAIRMAN. I thank you very much for that clarification. Then the next pending business would be the Baker-Percy resolution, and I would ask unanimous consent that precisely at 12:00 o'clock, and we could do it before then, could we not, the majority leader be recognized for whatever motion he wishes to make at that point.

Senator SARBANES. Why can we not move—

Senator PELL. Excuse me. Mr. Chairman, in connection with Senator Byrd, I should have added the phrase that he wants to withdraw the resolution at this time, but he wants to maintain his freedom to offer it later.

The CHAIRMAN. Of course.

Senator BAKER. I think it is a matter for the committee to decide what sequence you put it in, and procedurally, I do not want to pose any problem. If Mathias is pending, I can offer an amendment or a substitute, or if I am pending, someone else can amend that, so nobody will be cut out either way.

Senator SARBANES. My question is why we cannot proceed whenever the opportunity arises. I did not understand why the actual markup had to wait to start at noon.

Senator BAKER. I think that is what the chairman said. The voting would start at 12. To tell you the truth, I would rather we got on with it.

The CHAIRMAN. Can notices go out immediately to Senators that we are going to be ready to vote before 12 o'clock, and we would ask all Senators to be here in the committee? Certainly Senators are on notice that we are doing this, and they have been on notice today that it will be held at 12 o'clock, but as a courtesy to the committee now, we would ask all Senators to be immediately here in the committee chamber prepared to vote and discuss the resolution.

Senator PELL. Mr. Chairman, I would like to read into the record a short statement if I could.

The CHAIRMAN. Yes, of course. Senator Pell.

Senator PELL. On behalf of Senator Tsongas, he states that he will be unable to attend today's committee hearing because, and I will put it in the first person, "I will be unable to attend today's committee meeting because I will be in Massachusetts attending the funeral of Cardinal Madeiros. I will cast my vote today in favor

of authorizing continued deployment of U.S. Marines in Beirut. The full Senate will have the opportunity to consider this vital legislation. I am reserving, however, my decision as to how I will vote on the Senate floor. I am also reserving the right to support or offer amendments on the Senate floor limiting the duration of deployment."

Senator SARBANES. Mr. Chairman?

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. I ask unanimous consent that the material that I quoted from extensively in my opening statement setting out the specifics on the plan for the evacuation of the PLO from West Beirut, which clearly defined the mission and purpose of the multinational force and our troop participation in it in August of last year be included in the record, and therefore be printed as part of the proceedings.

The CHAIRMAN. Without objection, it will be incorporated into the record at this point.

[The material referred to follows:]



Feature
Lebanon

LEBANON

Plan for the PLO Evacuation From West Beirut

On August 30, 1982, President Reagan announced the agreement by the Governments of Lebanon, the United States, France, Italy, and Israel and by the Palestine Liberation Organization (PLO) to a plan for the departure from Lebanon of PLO leaders, offices, and combatants in Beirut.

Following are the President's statement, text of the departure plan, fact sheets concerning details of the agreed upon arrangements, a White House statement, and President Reagan's letters to the U.N. Secretary General and the Congress.

PRESIDENT'S STATEMENT, AUG. 28, 1982

Thank you all and let me just say in advance I'll be taking no questions because Secretary Shultz, a little later in the day, will be having a full press conference, so you can take everything up with him.

Ambassador Habib (Philip C. Habib, President's special emissary to the Middle East) has informed me that a plan to resolve the west Beirut crisis has been agreed upon by all the parties involved. As part of this plan, the Government of Lebanon has requested, and I have approved, the deployment of U.S. forces to Beirut as part of a multinational force (MNF). The negotiations to develop this plan have been extremely complex and have been conducted in the most arduous circumstances. At times it was

difficult to imagine how agreement could be reached and yet it has been reached. The statesmanship and the courage of President Sarkis and his colleagues in the Lebanese Government deserve special recognition as does the magnificent work of Ambassador Habib. Phil never lost hope and, in the end, his spirit and determination carried the day. We all owe him a debt of gratitude.

The parties who made this plan possible have a special responsibility for insuring its successful completion, or implementation. I expect its terms to be carried out in good faith and in accordance with the agreed timetable. This will require meticulous adherence to the cease-fire. Violations by any party would imperil the plan and bring renewed bloodshed and tragedy to the people of Beirut, and under no circumstances must that be allowed to happen. As you know, my agreement to include U.S. forces in a multinational force was essential for our success. In the days ahead, they and forces from France and Italy will be playing an important but carefully limited noncombatant role. The parties to the plan have agreed to this role and have provided assurances on the safety of our forces.

Our purpose will be to assist the Lebanese Armed Forces in carrying out their responsibility for insuring the departure of PLO leaders, offices, and combatants in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of the

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sovereignty and authority of the Lebanese Government over the Beirut area. In no case will our troops stay longer than 30 days. The participation of France and Italy in this effort is further evidence of the sense of responsibility of these good friends of the United States.

Successful resolution of the west Beirut crisis by responsible implementation of the plan now agreed will set the stage for the urgent international action required to restore Lebanon's full sovereignty, unity, and territorial integrity; obtain the rapid withdrawal of all foreign forces from that country; and help insure the security of northern Israel. We must also move quickly in the context of Camp David to resolve the Palestinian issue in all its aspects, as well as the other unresolved problems in the Arab-Israeli conflict. Only when all these steps are accomplished can true and lasting peace and security be achieved in the Middle East.

DEPARTURE PLAN

PLAN FOR THE DEPARTURE FROM LEBANON OF THE PLO LEADERSHIP, OFFICES, AND COMBATANTS IN BEIRUT

1. **Basic Concept.** All the PLO leadership, offices, and combatants in Beirut will leave Lebanon peacefully for prearranged destinations in other countries, in accord with the departure schedules and arrangements set out in this plan. The basic concept in this plan is consistent with the objective of the Government of Lebanon that all foreign military forces withdraw from Lebanon.

2. **Cease-fire.** A cease-fire in place will be scrupulously observed by all in Lebanon.

3. **U.N. Observers.** The U.N. Observer Group stationed in the Beirut area will continue its functioning in that area.

4. **Safeguards.** Military forces present in Lebanon—whether Lebanese, Israeli, Syrian, Palestinian, or any other—will in no way interfere with the safe, secure, and timely departure of the PLO leadership, offices, and combatants. Law-abiding Palestinian noncombatants left behind in Beirut, including the families of those who have departed, will

be subject to Lebanese laws and regulations. The Governments of Lebanon and the United States will provide appropriate guarantees of safety in the following ways.

- The Lebanese Government will provide its guarantees on the basis of having secured assurances from armed groups with which it has been in touch.

- The United States will provide its guarantees on the basis of assurances received from the Government of Israel and from the leadership of certain Lebanese groups with which it has been in touch.

5. **"Departure Day"** is defined as the day on which advance elements of the multinational force (MNF) deploy in the Beirut area, in accordance with arrangements worked out in advance among all concerned, and on which the initial group or groups of PLO personnel commence departure from Beirut in accord with the planned schedule (see page 9).

6. **The Multinational Force.** A temporary multinational force, composed of units from France, Italy, and the United States, will have been formed—at the request of the Lebanese Government—to assist the Lebanese Armed Forces in carrying out their responsibilities in this operation. The Lebanese Armed Forces will assure the departure from Lebanon of the PLO leadership, offices, and combatants, from whatever organization in Beirut, in a manner which will:

(A) Assure the safety of such departing PLO personnel;

(B) Assure the safety of other persons in the Beirut area; and

(C) Further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

7. **Schedule of Departures and Other Arrangements.** The attached schedule of departures is subject to revision as may be necessary because of logistical requirements and because of any necessary shift in the setting of Departure Day. Details concerning the schedule will be forwarded to the Israeli Defense Forces through the Liaison and Coordination Committee. Places of assembly for the departing personnel will be identified by agreement between the Government of Lebanon and the

PLO. The PLO will be in touch with governments receiving personnel to coordinate arrival and other arrangements there. If assistance is required the PLO should notify the Government of Lebanon.

8. **MNF Mandate.** In the event that the departure from Lebanon of the PLO personnel referred to above does not take place in accord with the agreed and predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

9. **Duration of MNF.** It will be mutually agreed between the Lebanese Government and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned, or in accord with the termination of the mandate of the MNF provided for above.

10. **The PLO leadership** will be responsible for the organization and management of the assembly and the final departure of PLO personnel, from beginning to end, at which time the leaders also will all be gone. Departure arrangements will be coordinated so that departures from Beirut take place at a steady pace, day by day.

11. **Lebanese Armed Forces Contribution.** The Lebanese Army will contribute between seven and eight army battalions to the operation, consisting of between 2,500–3,500 men. In addition, the internal security force will contribute men and assistance as needed.

12. **ICRC.** The International Committee of the Red Cross (ICRC) will be able to assist the Government of Lebanon and Lebanese Armed Forces in various ways, including in the organization and management of the evacuation of wounded and ill Palestinian and Syrian personnel to appropriate destinations, and in assisting in the chartering and movement of commercial vessels for use in departure by sea to other countries. The Liaison and Coordination Committee will insure that there will be proper coordination with any ICRC activities in this respect.

13. **Departure by Air.** While present



Feature Lebanon

Schedule of Departures

August 21, 1982—Departure Day

The advance elements of the MNF (approximately 350 men) land at the Port of Beirut at about 0500 and deploy in the Beirut port area in preparation for the initial departures of PLO groups by sea.

Meanwhile, the Lebanese Armed Forces deploy to previously agreed positions in the Beirut area, primarily in the so-called demarcation line area, to assist in the departure of PLO personnel. The Lebanese Armed Forces will take over positions occupied by the PLO.

The PLO will insure that National Movement Forces [collection of Lebanese militias] which had occupied these positions jointly with the PLO shall also withdraw.

As the day proceeds, the Lebanese Armed Forces will take up such other positions as necessary to assist in the departure of PLO personnel.

Meanwhile, the initial group of PLO personnel assemble in preparation for departure by sea later in the day (or on August 22). The vessel or vessels to be used for this purpose will arrive at pier on August 21.

The initial groups could include the wounded and ill, who would be transported in accordance with agreed arrangements—by sea or land, or both—to their destinations in other countries.

The initial group or groups of PLO personnel destined for Jordan and Iraq would move from their assembly point to the waiting commercial vessel or vessels for onward transport by sea.

August 22

All groups destined for Jordan or Iraq will have boarded ship and will have sailed from Beirut.

Duplicating the model followed on August 21, PLO groups destined for Tunisia assemble and move to the Port of Beirut for departure by sea.

August 23

All PLO personnel destined for Tunisia complete their assembly and embark on commercial vessel for Tunisia.

PLO personnel destined for South Yemen assemble and move to a vessel for departure then or on August 24.

August 24-25

Assembly and departure by sea of PLO personnel destined for North Yemen.

August 25

Provided that satisfactory logistical arrangements have been completed, the initial groups of PLO personnel destined for Syria assemble and move overland via the Beirut-Damascus highway to Syria.

The advance French elements of the MNF already in the port area will have taken up such other agreed positions on the land route in the Beirut area as necessary to assist in the overland departure of the PLO personnel for Syria.

The Lebanese Armed Forces join with the French in occupying such positions.

(If it should be agreed that these initial groups should go by sea to Syria rather than by land, this departure schedule also is subject to amendment to assure that logistical requirements are met.)

August 26-28 (Approximately)

The remaining forces of the MNF

(from the United States, France, and Italy) arrive in the Beirut area and deploy to agreed locations as determined through the Liaison and Coordinating Committee. This movement may be accompanied by the transfer of the advance French elements previously in the port area and elsewhere to other locations in the Beirut area.

August 26-27-28

PLO groups destined for Syria continue to move—by land or sea—to Syria.

August 22-September 4

Turnover to the Lebanese Armed Forces of PLO weaponry, military equipment, and ammunition in a continuing and orderly fashion.

August 29-30-31

Redeployment out of Beirut of the Syrian elements of the ADF.

September 1-4

Completion of the departure to Syria—by land or sea—of all PLO or Palestine Liberation Army personnel destined for Syria.

September 2-3

Assembly and departure by sea of all PLO personnel destined for the Sudan.

Assembly and movement by sea of all PLO personnel destined for Algeria.

September 4-21

The MNF assists the Lebanese Armed Forces in arrangements, as may be agreed between governments concerned, to insure good and lasting security throughout the area of operation.

September 21-26

Departure of MNF.

plans call for departure by sea and land, departures by air are not foreclosed.

14. Liaison and Coordination:

• The Lebanese Armed Forces will be the primary point of contact for liaison with the PLO as well as with other armed groups and will provide necessary information.

• The Lebanese Armed Forces and MNF will have formed prior to Departure Day a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and the Lebanese Armed Forces. The committee will carry out close and effective liaison with, and provide continuous

and detailed information to, the Israeli Defense Forces (IDF). On behalf of the committee, the Lebanese Armed Forces will continue to carry out close and effective liaison with the PLO and other armed groups in the Beirut area. For

Exchange of Notes

Lebanese Note Requesting U.S. Contribution to MNF

Beirut
August 18th, 1982

Ambassador Robert S. Dillon
U.S. Embassy, Beirut

Your Excellency,

I have the honor to refer to the many conversations between their Excellencies the President of the Republic of Lebanon, the Prime Minister and myself on the one hand, and with Ambassador Philip C. Habib, Special Emissary to the President of the United States of America, on the other hand, as well as to the resolution of the Council of Ministers passed today. I have the honor to refer to the schedule set up by the Government of Lebanon, after consultations with interested parties, in order to assure the withdrawal from Lebanese territory of the Palestinian leaders, offices and combatants related to any organization now in the Beirut area, in a manner which will:

- (1) assure the safety of such departing persons;
- (2) assure the safety of the persons in the area; and
- (3) further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

In this context, the Government of Lebanon is proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in Beirut. The mandate of the MNF will be to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out the foregoing responsibilities, in accordance with the annexed schedule. The MNF may undertake other functions only by mutual agreement. It is understood that, in the event that the withdrawal of the Palestinian personnel referred to above does not take place in accord with the predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 800 personnel to Beirut, subject to the following terms and conditions:

- The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

- Command authority over the American force will be exercised exclusively by the United States Government through existing American military channels.

- The American force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American force. The LAF liaison officers to the American force will, *inter alia*, perform liaison with the civilian population and manifest the authority of the Lebanese Government in all appropriate situations.

- In carrying out its mission, the American force will not engage in combat. It may, however, exercise the right of self-defense.

- The American force will depart Lebanon not later than thirty days after its arrival, or sooner at the request of the President of Lebanon or at the direction of the United States Government, or according to the termination of the mandate provided for above.

- The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American force's personnel, to include securing the assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities.

- The American force will enjoy both the degree of freedom of movement and the right to undertake those activities deemed necessary for the performance of its mission or for the support of its personnel. Accordingly, it shall enjoy all facilities necessary for the accomplishment of these purposes. Personnel in the American force shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American force introduced into

Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to your Excellency's government, that your Excellency's reply to that effect, together with this note, shall constitute an agreement between our two governments, to enter into force on the date of your Excellency's reply.

Please accept, your Excellency, the assurances of my highest consideration.

FUAD BOUTROS
Deputy Prime Minister/
Minister of Foreign Affairs

U.S. Reply to Lebanese Note Requesting U.S. Contribution to MNF

August 20, 1982

I have the honor to refer to your Excellency's note of 18 August 1982 requesting the deployment of an American force to Beirut. I am pleased to inform you on behalf of my government that the United States is prepared to deploy temporarily a force of approximately 800 personnel as part of a Multinational Force (MNF) to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out their responsibilities concerning the withdrawal of Palestinian personnel in Beirut from Lebanese territory under safe and orderly conditions, in accordance with the schedule annexed to your Excellency's note. It is understood that the presence of such an American force will in this way facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my government.

I have the further honor to inform you that my government accepts the terms and conditions concerning the presence of the American force in the Beirut area as set forth in your note, and that your Excellency's note and this reply accordingly constitute an agreement between our two governments.

ROBERT S. DILLON
Ambassador of the
United States of America



Feature Lebanon

convenience, the Liaison and Coordination Committee will have two essential components:

- (A) Supervisory liaison; and
- (B) Military and technical liaison and coordination.

The Liaison and Coordination Committee will act collectively; however, it may designate one or more of its members for primary liaison contact who would of course act on behalf of all.

- Liaison arrangements and consultations will be conducted in such a way as to minimize misunderstandings and to forestall difficulties. Appropriate means of communications between the committee and other groups will be developed for this purpose.
- The Liaison and Coordination Committee will continually monitor and keep all concerned currently informed regarding the implementation of the plan, including any revisions to the departure schedule as may be necessary because of logistical requirements.

15. Duration of Departure. The departure period shall be as short as possible and, in any event, no longer than 2 weeks.

16. Transit Through Lebanon. As part of any departure arrangement, all movements of convoys carrying PLO personnel must be conducted in daylight hours. When moving overland from Beirut to Syria, the convoys should cross the border into Syria with no stops en route. In those instances when convoys of departing PLO personnel pass through positions of the Israeli Defense Forces, whether in the Beirut area or elsewhere in Lebanon, the Israeli Defense Forces will clear the route for the temporary period in which the convoy is running. Similar steps will be taken by other armed groups located in the area of the route the convoy will take.

17. Arms Carried by PLO Personnel. On their departure, PLO personnel will be allowed to carry with them one individual side weapon (pistol, rifle, or submarine gun) and ammunition.

18. Heavy and Spare Weaponry and Munitions. The PLO will turn over to the Lebanese Armed Forces as gifts

all remaining weaponry in their possession, including heavy, crew-served, and spare weaponry and equipment, along with all munitions left behind in the Beirut area. The Lebanese Armed Forces may seek the assistance of elements of the MNF in securing and disposing of the military equipment. The PLO will assist the Lebanese Armed Forces by providing, prior to their departure, full and detailed information as to the location of this military equipment.

19. Mines and Booby Traps. The PLO and the Arab Deterrent Force (ADF) will provide to the Lebanese Armed Forces and the MNF (through the Lebanese Armed Forces) full and detailed information on the location of mines and booby traps.

20. Movement of PLO Leadership. Arrangements will be made so that departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure operation.

21. Turnover of Prisoners and Remains. The PLO will, through the ICRC, turn over to the Israeli Defense Forces, all Israeli nationals whom they have taken in custody, and the remains, or full and detailed information about the location of the remains, of all Israeli soldiers who have fallen. The PLO will also turn over to the Lebanese Armed Forces all other prisoners whom they have taken in custody and the remains, or full and detailed information about the location of the remains, of all other soldiers who have fallen. All arrangements for such turnovers shall be worked out with the ICRC as required prior to Departure Day.

22. Syrian Military Forces. It is noted that arrangements have been made between the Governments of Lebanon and Syria for the deployment of all military personnel of the Arab Deterrent Force from Beirut during the departure period. These forces will be allowed to take their equipment with them, except for that—under mutual agreement between the two governments—which is turned over to the Lebanese Armed Forces. All elements of the Palestinian Liberation Army,

WHITE HOUSE STATEMENT, AUG. 19, 1982¹

We are, of course, extremely gratified by the Israeli Cabinet's approval of the plan, which is a tribute to the remarkable diplomatic achievement of the President's personal emissary, Ambassador Philip Habib. It sets the stage for implementation of the plan, which we expect to start as early as this weekend. We urge the parties to make every effort to clear up the remaining matters so that implementation can go forward as soon as possible.

¹Text from Weekly Compilation of Presidential Documents of Aug. 23, 1982. ■

whether or not they now or in the past have been attached to the Arab Deterrent Force, will withdraw from Lebanon.

FACT SHEETS ON THE DEPARTURE¹

Plan for the Departure of the PLO

A plan for the departure from Lebanon of the PLO leaders, offices, and combatants in Beirut has been accepted by the Governments of Lebanon, the troop-contributing countries, and Israel and by the PLO. That plan includes a schedule of departures which is also attached to the bilateral notes exchanged between the Government of Lebanon and the troop-contributing countries.

The PLO will go to various countries in the region including Jordan, Iraq, Tunisia, North Yemen, South Yemen, Syria, Sudan, and Algeria.

Departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure arrangements.

The PLO will turn over to the Lebanese Armed Forces their heavy and

crew-served weapons, spare weaponry and equipment along with all munitions left behind in the Beirut area. They and the Arab Deterrent Force will also provide detailed information on the location of mines and booby traps to the Lebanese Armed Forces. On departure, PLO personnel may carry with them an individual side weapon and ammunition.

The Arab Deterrent Force (i.e., the Syrians) and those forces attached to the Arab Deterrent Force will also redeploy from Beirut during the period of the PLO departure. The Syrian military forces will take their equipment with them except for that which, by mutual agreement, is turned over to the Lebanese Armed Forces.

MNF Composition, Area of Operations, and Mission

Force Composition. The multinational force, which will be deployed to the Beirut area at the request of the Government of Lebanon, will be comprised of approximately 400 Italian, 800 French, and 800 U.S. military personnel. The U.S. portion of the MNF will be comprised of Marines of the 32d Marine Amphibious Unit presently serving with elements of the Sixth Fleet on duty in the eastern Mediterranean.

Area of Operations. The MNF will operate in and around the Beirut area. It will take up positions and operate from locations determined by mutual agreement between the various national contingents and the Lebanese Armed Forces through the mechanism of a Liaison and Coordination Committee.

Mission. The multinational force will assist the Lebanese Armed Forces in carrying out its responsibilities for insuring the safe and orderly departure from Lebanon of the PLO leaders, offices, and combatants in a manner which will insure the safety of other persons in the area, and which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

Duration of the MNF Mandate. It has been mutually agreed between the Government of Lebanon and those governments contributing forces to the MNF that these forces will depart Lebanon not later than 30 days after arrival, or sooner at the request of the

Government of Lebanon or at the direction of the individual government concerned. There is also provision for the immediate termination of the mandate of the MNF and for its withdrawal from Beirut in the event that the departure from Lebanon of PLO personnel does not take place in accord with the predetermined schedule.

Role and Mission of U.S. Forces in Beirut

U.S. forces will be deployed to Beirut as part of the multinational force based on an agreement between the U.S. Government and the Government of Lebanon.

The U.S. contingent of the multinational force will provide appropriate assistance to the Lebanese Armed Forces as they carry out their responsibilities concerning the withdrawal of PLO personnel in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

U.S. forces will enter Beirut after the evacuation is well underway (probably 5 or 6 days thereafter) in concert with the Italian MNF contingent and the remainder of the French force. Approximately 800 Marines from Sixth Fleet units will be deployed. Command authority for the Marines will be exercised by the National Command Authority (NCA) through normal American military channels (EUCOM). These forces will not engage in combat but may exercise the right of self-defense. They will have freedom of movement and the right to undertake actions necessary to perform their mission or to support their personnel. U.S. personnel will be armed with usual infantry weapons.

Close coordination will be maintained with the Lebanese Armed Forces. There will be an exchange of liaison officers among the elements of the MNF and the Lebanese Armed Forces. A Liaison and Coordination Committee composed of representatives from the U.S., French, Italian, and Lebanese armed forces will assist this process. The Government of Lebanon and the Lebanese Armed Forces are taking

measures necessary to insure the protection of U.S. forces including having secured assurances from armed elements that they will comply with the cease-fire and cessation of hostilities.

The U.S. contingent will be in Beirut for no more than 30 days.

War Powers Resolution

The War Powers Resolution requires a report to Congress within 48 hours after the introduction of U.S. Armed Forces: (1) into foreign territory while equipped for combat; or (2) into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

There is no intention or expectation that U.S. forces will become involved in hostilities in Beirut. They will be in Lebanon at the formal request of the Government of Lebanon; we will have assurances regarding the safety and security of the multinational force. Although we cannot rule out isolated acts of violence, all appropriate precautions will be taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

These matters will, in any event, be kept under constant review, and the President will report to Congress consistent with the reporting requirements of the War Powers Resolution.

Agreements and Assurances

U.S. forces will participate in the multinational force in Beirut pursuant to an agreement between the U.S. Government and the Government of Lebanon. That agreement is in the form of an exchange of notes signed by Ambassador Dillon on behalf of the U.S. Government and Deputy Prime Minister and Minister of Foreign Affairs Boutros on behalf of the Lebanese Government.

The agreement describes the missions of the Lebanese Armed Forces, the MNF, and the U.S. forces participating in the MNF. It contains provisions concerning command authority for U.S. forces, coordination with the Lebanese Armed Forces and immunities of U.S. personnel. Annexed to the agreement is the schedule for the PLO departure from Beirut.

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In accordance with the agreement, the Government of Lebanon has secured assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities. The Government of Israel has provided appropriate assurances.

Role of the ICRC in Moving the PLO from West Beirut

The role envisaged for the International Committee of the Red Cross (ICRC) in moving the PLO from west Beirut is still being finalized on the basis of discussions in Geneva and Beirut.

In accordance with its charter, the ICRC will be expected to care for the sick and wounded combatants while in transit. Initially, the ICRC will arrange transport and provide medical care for the sick and wounded PLO personnel going to Greece.

Financing the Departure of the PLO From West Beirut

The cost of chartering transport of the PLO combatants to receiving countries will be funded through international organizations. The United States is prepared to provide initial funding from State Department funds.

Estimates regarding the cost of evacuating PLO forces from west Beirut currently range from \$2 to \$4 million. This figure could be increased, however, as the number of people to be transported and their ultimate destinations are finalized.

PRESIDENT'S LETTER TO THE U.N. SECRETARY GENERAL, AUG. 20, 1982¹

I letter dated August 20, 1982, from the Charge d'Affaires a.i. of the U.S. Permanent Mission to the United Nations addressed to the Secretary General

I have the honor to transmit the following message from the President of the United States:

"Dear Mr. Secretary-General:

"As you know, the Government of the Republic of Lebanon has requested the deployment of a multinational force in Beirut to assist the Lebanese armed forces as they carry out the orderly and safe departure of Palestinian personnel now in the Beirut area in a manner which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area. The Lebanese Government has asked for the participation of United States military personnel in this force, together with military personnel from France and Italy.

"I wish to inform you that the United States Government has agreed, in response to this request from the Lebanese Government, to deploy a force of about 800 personnel to Beirut for a period not exceeding 30 days. It is my firm intention and belief that these troops will not be involved in hostilities during the course of this operation.

"The deployment of this United States force is consistent with the purposes and principles of the United Nations as set forth in Articles 1 and 2 of the Charter. It furthers the goals of Security Council resolutions 508 (1982) and 509 (1982) adopted in June at the beginning of the Lebanese conflict. The force will plan to work closely with the United Nations observer group stationed in the Beirut area.

"This agreement will support the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

RONALD REAGAN²

I have the honour to request that the present letter be circulated as an official document of the General Assembly, under item 34 of the provisional agenda, and of the Security Council.

KENNETH L. ADELMAN
Ambassador

PRESIDENT'S LETTER TO THE CONGRESS, AUG. 24, 1982³

On August 18, 1982, the Government of Lebanon established a plan for the departure from Lebanon of the Palestine Liberation Organization leadership, offices, and combatants in Beirut. This plan has been accepted by the Government of Israel. The Palestine Liberation Organization has informed the Government of Lebanon that it

also has accepted the plan. A key element of this plan is the need for a multinational force, including a United States component, to assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of these personnel under safe and orderly conditions. This will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

In response to the formal request of the Government of Lebanon, and in view of the requirement for such a force in order to secure the acceptance by concerned parties of the departure plan, I have authorized the Armed Forces of the United States to participate on a limited and temporary basis. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States Armed Forces.

On August 21, in accordance with the departure plan, approximately 250 French military personnel—the advance elements of the multinational force—were deployed in Beirut together with elements of the Lebanese Armed Forces, and the departure of Palestinian personnel began. To date, Palestinian personnel have departed Lebanon in accordance with the terms of the plan.

On August 25, approximately 800 Marines began to arrive in Beirut. These troops are equipped with weapons consistent with their non-combat mission, including usual infantry weapons.

Under our agreement with the Government of Lebanon, these U.S. military personnel will assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of Palestinian personnel under safe and orderly conditions. The presence of our forces will in this way facilitate the restoration of Lebanese Government sovereignty and authority in the Beirut area. Our forces will operate in close coordination with the Lebanese Armed Forces, which will have 2,500-3,500 personnel assigned to this operation, as well as with a total of approximately 800 French and 400 Italian military personnel in the multinational force. Transportation of the personnel departing is being carried out by commercial air and sea transport, and by land. According to our agreement with the Government of Lebanon, the United States military personnel will be withdrawn from Lebanon within thirty days.

I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of

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the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now, and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

This deployment of the United States Armed Forces to Lebanon is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

This step will not, by itself, resolve the situation in Lebanon, let alone the problems which have plagued the region for more than thirty years. But I believe that it will improve the prospects for realizing our objectives in Lebanon:

- a permanent cessation of hostilities;
- establishment of a strong, representative central government;
- withdrawal of all foreign forces;
- restoration of control by the Lebanese Government throughout the country; and
- establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

I also believe that progress on the Lebanon problem will contribute to an atmosphere in the region necessary for progress towards the establishment of a comprehensive peace in the region under Camp David, based firmly on U.N. Security Council Resolutions 242 and 338.

Sincerely,

RONALD REAGAN

¹Text from Weekly Compilation of Presidential Documents of Aug. 23, 1982.

²Made available to news correspondents by Acting Department spokesman Alan Romberg.

³Made available to news correspondents by Acting Department spokesman Alan Romberg.

⁴Circulated as a document of the U.N. General Assembly and Security Council (A/37/393-S/15371, Aug. 21, 1982).

⁵Identical letters addressed to Thomas P. O'Neill, Jr., Speaker of the House of Representatives, and Strom Thurmond, President Pro Tempore of the Senate. ■

Secretary Shultz's News Conference of August 20 (Excerpts)

Following are excerpts from a news conference given by Secretary Shultz shortly after President Reagan's statement on the PLO departure plan.¹

The President today announced that a plan to resolve the crisis in west Beirut has been agreed upon by all the parties, and that in connection with that plan the Government of Lebanon has asked the United States, and the President has agreed, to the deployment of U.S. forces as part of a multinational force to help the Government of Lebanon to implement the plan.

He also expressed his admiration and his thanks to Phil Habib, and I would like to take this occasion to add my thanks to Phil, a truly great American.

The President also said that I would answer the questions, so here I am.

Q. Have American-Israeli relations suffered because of the Israeli invasion of Lebanon, and on a broader scale, how do you judge the impact of the fighting on American-Arab relations?

A. The Israeli-U.S. relationship remains a strong one. We are completely committed to the support of the security of Israel. Certainly, there have been some strains during this period. The United States opposed the entry of Israeli troops into Lebanon. There were some occasions when it seemed to us that the Israeli military actions were excessive, and we said so. So those times presented great strains. But underneath it all the relationship between the United States and Israel remains a strong one.

There's no question about the fact—turning to the second part of your question—that our relationships with our friends in the Arab world have been strained, and understandably so, as they have seen the suffering in Lebanon and the great destruction in Beirut. We seek

to resolve those issues. I think the constructive role that the United States has played in the development of this plan, and Phil Habib's actions, show the fundamental commitment of the United States to peaceful solutions and the ability of the United States to be a constructive force in the region.

Q. Following withdrawal of Palestinian forces from west Beirut, do we expect the Israelis to attack other Palestinian and Syrian forces in the country, and what, if anything, are we trying to do to prevent that from happening?

A. What we expect and what we hope for is that as this process unfolds the Government of Lebanon will be able to take control first in Beirut, then increasingly throughout the country. And that the forces of Israel, the forces of Syria, the forces of other armed groups in the country will withdraw or lay down their arms and Lebanon will become a country free of foreign forces.

I might note that in the plan, if you look at the first section, which is labeled "Basic Concept," you'll see that this notion is explicitly stated as being consistent with the objectives of the plan.

Q. I wonder if you could amplify what the President said. He said that if American forces were shot at, there would be a recall of U.S. forces. In that sort of violent environment, it is possible for stray bullets to be flying. Would a single shot result in an American call-back?

A. The President was not referring to some stray shot by some kook that might be fired. We're talking about a situation in which all the parties have agreed to a cease-fire and have agreed to establish the conditions under which the departure of the PLO can take place with safety. We are there to help in that process, help the Government of Lebanon in that process. We will stay there as long as that process is going

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forward and as long as the basic conditions envisaged for our forces remain in effect.

Q. We've heard a lot about Ambassador Habib's role in all of this. What do you envision as his role in the next phase which is the evacuation of all foreign troops from Lebanon?

A. He's a very skillful man. He's been over there since early June, and I think he deserves a good night's sleep. But he's very skillful and very capable, and he told me on one occasion that he never says no to a President. So I imagine his talents will be called upon from time to time in the future.

Q. Has the Government of Israel given you any assurances that they intend to withdraw from Lebanon in the near future?

A. When Foreign Minister Shamir was here, I asked him that question directly. He told me that Israel does not covet one inch of Lebanese territory and plans to withdraw from Lebanese territory. I looked at him and I said, "We will take you at your word."

Q. On the previous question on Mr. Habib—is it contemplated that Mr. Habib will conduct the next round of negotiations on the withdrawal of all foreign forces from Lebanon, and do you have any time frame in mind, and the venue, on how and when these talks should begin?

A. I think that it is important to be working strongly not only for the withdrawal of foreign forces from Lebanon, but for that to happen in such a manner that the Government of Lebanon has strength and the security concerns of Israel and its northern border are adequately safeguarded.

Beyond that, I think, we must recognize that there has been a tremendous amount of destruction and displacement in Lebanon. The extent of it varies widely in peoples' estimates, but even the most modest estimates show that it's considerable. We and others around the world need to address ourselves to those problems and start thinking in constructive terms about what needs to be done to help the people of Lebanon reconstruct their land and bring it back to the conditions that it once enjoyed.

Q. Will Mr. Habib actually do the negotiating for the United States?

A. Phil's precise role has not been determined. As I said, he has been at it for a couple of months of very tiring work, and it's time for him to get a good night's sleep. We do plan to have a Lebanon task force in the government and Morris Draper, who has been Phil's assistant, will head that up; Peter McPherson, the head of the Agency for International Development, is going to take on the special concern of the reconstruction and development aspects of this plan. Some other people are being put in place to work on this. I don't say that Phil will have no role in it. He's a very constructive and able person, but I do think at this point that he'll obviously want to see the departure go on in a good way. But at some stage of the game, as I say, we have to give him a good night's sleep.

Q. It's not clear to me, in the way you answered some of the earlier questions, whether you expect further negotiations to take place to obtain the withdrawal of the Syrians and the Israelis or whether you expect them to do that voluntarily, without any further diplomatic activity. Could you clarify that a little bit?

A. I'm sure that the Syrians must feel that they, having been invited in by the Government of Lebanon, would expect to hear from the Government of Lebanon about its wishes. Again, I was told by the Syrian Foreign Minister that they were there at the request of the Government of Lebanon and when the Government of Lebanon requested them to leave, they would do so.

So I think what we are looking at here is a process in which the Government of Lebanon increasingly takes control; and as that happens and as security arrangements on Israel's northern border can be adequately developed, we should expect to see these forces withdraw. I can't tell you that all that can take place in an easy, uncomplicated way. There's no doubt about the fact that it will be complicated and difficult.

Q. How long do you think it will take?

A. I can't tell you.

Q. There is talk of an Israeli-Lebanese peace treaty as the next step after withdrawal. Will the United States actively support such a peace treaty?

A. I think it is constructive to have peace in that part of the world. With the emergence of a strong and legitimate Government of Lebanon, that is certainly something we would hope they would consider very strongly.

Q. But will we actively support it?
A. Sure.

Q. What is the possibility of the use of American troops in some type of multinational force such as is going into Beirut now to facilitate the withdrawal of Israeli and Syrian troops from Lebanon itself?

A. We don't have any plan for that at all.

Q. Will this be used as a precedent, do you think?

A. No, I don't think so.

Q. Do you foresee the formation of a Palestinian state at some point? If so, when, and what are you going to do with all these Palestinians that you are splitting up and sending to all these various countries, just leave them there?

A. The Palestinians who are departing from west Beirut probably number in the range of 6,000-7,000, and that is a number that can be assimilated.

Where they go eventually, of course, remains to be seen. I do think, and have emphasized before—and practically everybody who talks about the subject emphasizes—the importance of turning to the problems of the legitimate rights of the Palestinian people, working at that, and negotiating about that.

My own observation is that the language of Camp David is quite worth reading in that regard. So we would expect to be moving on that front, as I'm sure others will too, because it represents an underlying issue of great importance and is one that is at the center of all this.

Q. Since you brought up Camp David, could you give us, as best you can foresee it now, the startup again of the autonomy talks, the timetable,

including whether or not you are going to appoint a new special negotiator at any time in the near future?

A. I can't really comment with any clarity on those questions. Obviously, the parties to those talks are heavily engaged in their thinking in the west Beirut problem. It will take some time and a lot of effort to construct a suitable negotiating situation, and I don't want to put down some sort of marker on it.

Q. Ambassador Habib is quoted as telling Prime Minister Begin that he thought it was Israel's military pressure which brought the PLO to agree finally to leave Beirut. Do you agree with that assessment?

A. I'm not going to try to analyze what may or may not have brought the PLO to agree to leave west Beirut. Fairly early on, they had made a statement in principle that they would withdraw. We went through a long period of trying to identify where they would go, and during that period there were many doubts expressed about whether in the end they would go. We felt that they had said they would, and we would take them at their word and expect that they would.

Q. But the greatest progress was made in the negotiations, wasn't it, after August 1 when the heaviest Israeli bombings took place?

A. The discussions that gave more and more assurance as to where they would go materialized obviously as these negotiations went on. It was quite a struggle at first and became more definite.

Q. How do you intend to try to blend, or what is your own sense of priorities about resolving the rest of the issues in Lebanon, getting the foreign forces out, etc., and dealing with the Palestinian problem on the West Bank and Gaza?

A. Both issues are important. There is, obviously, some connection between them, but they are also separate issues. I think we, obviously, have to work—it's my opinion anyway—on both. It is difficult to lay down a timetable, but both are matters of urgency. I think that this moment in time—with the bloodshed and the damage done in

Lebanon freshly in peoples' minds—is a time to work hard on this, because people must be able to see that the alternative to a reasonably peaceful situation in the Middle East is not a pleasant thing to contemplate at all. So, perhaps, it is a moment when people can turn their eyes from the problems of war to the problems of peace—at least I hope so—and that is going to be our effort.

Q. Specifically, what steps is the United States prepared to take to get the autonomy talks moving again?

A. We are working on that, thinking about it, and trying to develop our own thinking, as I'm sure others are. When we have gotten our thoughts properly constructed, we will be able to tell you what they are. I have been thinking about that myself, before I came into the government and ever since I've been here at the President's direction. I've had several meetings with the President about it. At his instruction, I've been meeting with Members of the Congress; we have had people come in from outside, and we've had lots of discussion about this as various ministers from Israel and Arab countries have visited here. So we are actively thinking about it. And we expect to be moving on it.

Q. Along those lines, the biggest and most dramatic impact of all this, at least for the moment, is the breaking up of the PLO into composite groups moving into different parts of the Middle East. What effect do you think this is going to have on the peace prospects in the region? And do you agree with those who feel that makes it less urgent for the Palestinian issue to be addressed?

A. I think that it makes it more urgent because to the extent the armed and, I think, disruptive presence of the PLO and their impact on Israel and perhaps on some of the problems in the West Bank and the Gaza Strip is less, then perhaps the opportunities are more. Rather than feel—if that particular pressure is off—you should relax, my attitude would be exactly the opposite: If the opportunity is greater, you should move in harder and faster and try to take advantage of it.

Q. What is your position on Jewish settlements, either new settlements or the expansion of the existing ones in the occupied territories?

A. The President has said to me recently, when a question arose about their legality, the question isn't whether they are legal or illegal; the question is are they constructive in the effort to arrange a situation that may, in the end, be a peaceful one and be one in which the people of the region can live in a manner that they prefer. His answer to that is no, expansion of those settlements is not a constructive move. I agree with the President. I really do agree with it. I'm not just following his lead.

Q. Next month is the deadline within the Lebanese constitutional framework for a presidential election. Security is one of the reasons cited why the election was put off until next week and might be put off again. Obviously, in general, the United States has a lot of influence in a situation like this right now. It has gained more influence; it's having forces coming in there which will help provide security. What are your views on the holding of the Lebanese presidential election? Should it be in the next month, as originally planned?

A. I think, basically, the conduct of an election in a country, the development of its own governmental processes, and the identification of the president and other officials of the country are matters for that country. The role of the United States is, as we are, to be helpful to the Government of Lebanon, at their request, as they seek to take control of Beirut and the country generally. Beyond that, I think the issue of the election of a new president and other related matters are essentially a matter for the Government of Lebanon, not for us.

Q. In the wake of what Menachem Begin calls a great victory, what would make you believe that Israel would become more flexible in terms of dealing with the Palestinian problem? And has the Government of Israel given us any assurances that they would be willing to discuss this more amenable?

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A. What the outcome of discussions will be and how much flexibility will be shown by various parties to it remains to be seen. I think that the prospect of peace, particularly in the light of the conflict in Lebanon that we've seen recently—and for that matter, the conflict in Lebanon that has been going on since 1975—should convince people that if there is any genuine prospect of peace, it should be seized. Perhaps that will be an incentive for everyone to give and take and try to construct something that might work.

Q. Do you believe that the PLO has any role to play in the negotiations process, or do you think that it does not represent the Palestinian people and is better not involved?

A. As far as the United States is concerned, the President has set out well-known conditions for any contacts between the United States and the PLO directly, and we stand by those conditions. If the PLO meets those conditions, obviously, the United States would be willing to talk with them. Whether others would be willing to talk with them, those others will have to say for themselves.

I think it is quite clear that, if there is to be a negotiation, that has as one of its center objectives meeting the legitimate concerns of the Palestinian people, there have to be representatives of the Palestinian people involved in those negotiations. No one accepts a result that they didn't have any part in. Who that should be remains to be seen. I don't know the answer to that question, but I know that an answer to it needs to be found.

Q. Could you give us an idea of how much U.S. funding is going to be involved in the evacuation and whether or not we will be reimbursed?

A. I don't think that what funding we supply we will be reimbursed for. We have committed around \$2 million by now for the chartering of ships and things of that kind, and possibly we will spend a little bit more on that sort of thing. Others will also bear some expense as they receive their contingents that come to their countries, so it will be a shared expense.

That is the order of magnitude, and I don't see where any reimbursement would come from.

Q. Your fact sheet states U.S. troops will go in probably 5 or 6 days after the evacuation begins.

A. That's right.

Q. Is there a trigger mechanism for that to happen? Is there some condition to be met before those U.S. troops go in?

A. Just that we observe that the conditions precedent to the whole operation are in force, the departures are taking place as scheduled, and there is a basically nonhostile environment.

Q. You have had talks with the Danish Foreign Minister these days, and he has invited you to go to Brussels, primarily, I understand, to assess the trouble about the pipeline. Are you intending to go to Brussels pretty soon? And what will be the next steps of the Administration in case European countries start delivery of pipeline technology very soon?

A. I don't have any immediate travel plans. I looked the other day at the little statement that is hanging up in my office now that says when the Senate voted my confirmation—that was July 18. It seems like about 10 years ago. But I am trying to assemble my thoughts and haven't made any plans to travel. There is a NATO meeting, I think, in early December, so presumably, I would go to that. At that time, other consultations could take place. Of course, I've seen many people from European governments during the month or so that I have been in office. But I don't have any immediate plan to go to Brussels.

As far as the pipeline is concerned, the President's position is firm. We don't see that anything that has happened in Poland recently meets the conditions that have been set out, not only by ourselves but by our allies. So there is no intention to change but, rather, to push ahead with the sanctions as they have been put in place.

Q. [Inaudible] what you said to us just now? If the deliveries start, would the Administration then come up with measures against the allies?

A. Not measures against the allies—these are not measures against the allies. They are measures taken to demonstrate to the Polish Government and the Soviet Union that the behavior that we see—explicitly in Poland, but also in other countries—is behavior that we deplore, and to the degree that we are willing to take steps that are hard to take.

I think it should be noted that these sanctions, while I believe they are causing problems in the construction of that pipeline—and the problems they are causing for our allies abroad are heavily publicized—they also cause problems for firms here in the United States. We know that. But to an extent, I suppose, it shows the depth of the President's conviction that the behavior that we see in Poland and elsewhere has to be noted, and a response to it needs to be put in place and kept in place.

Q. The remarks that you made today on opportunities for negotiating a broader settlement in the Middle East echo those made last night on national television by Dr. Henry Kissinger.

Tomorrow you're meeting with a number of so-called foreign policy experts, most of whom at some point or another have worked as assistants to Dr. Kissinger. You've met with him personally several times over the last few weeks. The *Executive Intelligence Review* has reported that Dr. Kissinger is, in fact, becoming the primary foreign policy adviser of this Administration. To what extent is that true?

A. As I understand it, according to the National Security Council directives, the Secretary of State is the principal foreign policy adviser. And it's easy enough to be Secretary of State—you have to get the President to nominate you and the Senate to confirm you. So that's me.

Dr. Kissinger is a wonderful person and a great friend, a person who has tremendous knowledge and comprehension of what is going on. I have enjoyed the benefit of his friendship and his ideas over many years, and I expect to

continue to have that. One of the first visitors to me after I became Secretary of State was Dr. Kissinger, along with Irving Shapiro and Larry Silberman, to talk about the Middle East, and I'll continue to benefit from his advice. But it's my job to be the principal adviser to the President.

Q. Dr. Kissinger has been named in a number of criminal investigations in Italy and—

A. Oh, come on; come on.

Q. What is going to happen now to Yasser Arafat and other PLO leaders, and have you received any assurances from the PLO indirectly that there will not be any further terrorist attacks on Israel, either through Jordan or perhaps through Syria? What assurances?

A. I think, by this time, perhaps people can see that what terrorism evokes is not so much fear but abhorrence from the world community. It is unfortunate that there is such an amount of terrorism. But I think, by this time, people are pretty well convinced that it's something bad all around, and very strong measures increasingly are being taken against it. I would imagine that any capable analytical person would be able to see that.

Q. During this news conference I've been informed that President Carter has charged that—

A. I think it's a little tough on me—

Q. I know.

A. —that you get some information—

Q. —I apologize that it's only happened—

A. —that comes in while I'm here that I don't have access to it. It's like sitting in front of the Senate for confirmation: All those fellows are going in and out—and ladies—all the time, and I'm just sitting there. I don't know what has happened.

Q. I will explain to you what has happened, as far as I know—

A. You're blind siding me.

Q. —and I don't think you'll be totally blind sided because it's not the first time we've heard this charge, but

I've been told that President Carter—and I cannot vouch for the truth of whether he actually said it or not—has charged that Washington gave the go-ahead to Israel for the invasion of Lebanon. I'm sure that I'm not blind siding you because that you've heard from other sources before. Can you answer that charge?

A. It is not correct.

Q. Did not Secretary of State Haig, your predecessor, know in advance that Israel was going to strike into Lebanon?

A. My understanding is that the U.S. Government was not informed, and the U.S. Government was and is on the record as having opposed that invasion. Whether somebody came through here and talked about it as a possibility, I don't know. People talk about all kinds of possibilities.

Q. Who goes in first? Who's the advance element that's spoken of, if it's not American forces?

A. You mean in the Beirut situation?

Q. In Beirut, right.

A. I think that's in all the fact material. The first element of the multinational force is the French with about 350. Let me correct that. It basically is the responsibility of the Government of Lebanon and their armed forces to provide for the safety of these departures and, of course, to take control of the city and their country. The multinational force is there to assist the Government of Lebanon.

The first contingent is the French contingent of about 350 who will be stationed, I think, in the immediate port area in the beginning. The U.S. troops, the balance of the French, and the Italian will enter about 5 days after the departures start.

Q. You just talked about the necessity of addressing the legitimate rights of the Palestinian people in the next phase after Beirut. Are you willing to tell us whether those legitimate rights include the rights for self-determination and independence? In other words, what's your definition of these legitimate rights for the Palestinians?

A. Precisely what that will wind up meaning will have to emerge from a negotiation, I'm sure. The words "self-determination" seem to have taken on terms of art. But I would say, as I've indicated earlier, if people are going to accept some solution, they have to have a part in forming it. Certainly one would expect, as the language of Camp David makes clear, that the Palestinians should have a role in determining the conditions under which they will be governed.

Q. In going through the agreement, I don't see anything mentioned about verifying that the PLO has, in fact, left Beirut. Maybe I just passed over it, but I wondered if you could address that problem?

A. Arrangements have been made to, in effect, check off people as they leave so that there is a verification of how many people have left and so on, and where they have gone. That process will be undertaken, and I believe that is basically a responsibility of the Government of Lebanon to do.

Q. You just mentioned in one of your answers that Arab-American relations are now strained. It doesn't seem to have passed on to some of those Arab governments that when the United States made clear to Israel what the United States wanted, Israel did stop the bombing. Looking to the future, do you intend again to make clear to Israel to really pursue a negotiated solution which will be acceptable to all parties in the Middle East?

A. My hope is that everyone will look at what has happened in the last few weeks and feel that it means that we must all concentrate on creating a just peace. This shining objective will be the principal motivating force for everyone.

Q. Can I just come back to Camp David? You've talked a lot about peace and rights of Palestinians, and you also talked about Camp David. Before the Lebanon crisis erupted, Secretary Haig was about to launch into an intensified effort to revive the talks between Egypt and Israel on the ground rules for the self-governing authority, as it's called, as well as other leftover points that hadn't been negotiated.



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Are you looking for ways beyond this, or are you willing to continue that negotiating track which has been on and off for the last several years as a first step toward this interim solution which is called for in Camp David? I'm not sure whether you want to stay with Camp David or not.

A. The language of Camp David, as I read it, has lots of room for ideas as to how the situation might be arranged. I have been listening to many people. You mentioned Dr. Kissinger and others—Sol Linowitz, Irving Shapiro, Larry Silberman, Members of Congress—talking with the President. We're trying to form our ideas about what we think in a general way should be a reasonable outcome and what kind of process will get us there. As I said at the beginning of this statement, there is a lot of room within the Camp David language, and I think when you see a situation like that it's worthwhile to preserve that.

Q. A lot of room for what?

A. A lot of room for many different interpretations as to what that language means, but it's just the kind of language that is generally used, and I recognize that different people put different meanings on it.

Q. Your fact sheet that your department handed out about the sending of these forces suggests strongly that you plan to report to Congress under the War Powers Act under a provision which is not binding in the sense that the troops are not required to be out after 60 days. As you know, the Chairman of the House Foreign Affairs Committee, Mr. Zablocki, and of the Senate Foreign Relations Committee, Mr. Percy, argue that it should be under the more binding provision because of both the situation and the precedent involved. In that view is it correct that you're planning, as this suggests, but doesn't exactly say, to go under the nonbinding provision and, if so, why?

A. The President will make a decision about what section of the War Powers Act to use at the time of the introduction of American forces. I believe, under the law, he's required to make

that statement within 48 hours of their deployment, and I'm sure that he will do so. He'll have to decide at the time what is the right section.

I would say this: that, first of all, the President has stated explicitly that we have a 30-day time limit here, and that is right in the plan, rather than 60 days as your question suggested. Second, if we have a basically peaceful departure situation in west Beirut and this government announces that its forces are going in under what it considers conditions of imminent hostility, I wonder what the message is?

I think we have to be cognizant of what the real facts are on the ground and suit our determination to that. I believe the President will certainly be doing that, and I don't want to prejudice what decision he will make. But I think the basis for the decision should be the conditions on the ground rather than some notion about the number of days or something of that kind. The President has already specified the limit on the number of days.

Q. Would you just finish up the Camp David questions that have been brought up? What evidence is there today that President Mubarak is as anxious to proceed along the framework of Camp David, no matter how you work within this large framework, as was his predecessor? There's some evidence he is not that keen, is there not?

A. I think that, as we noted earlier, people throughout the Arab world are very upset about the events in Lebanon,

and it has had a profound effect on their attitudes. I know that. That will represent a problem that we'll have to contend with. As we go along here we certainly expect to work with President Mubarak and the Egyptians. They have been an essential part of this whole peace process, and I would have every expectation that in the end they will still want to be a part of the peace process.

¹Press release 257. ■

U.N. Adopts Resolutions on Lebanon Situation

Following are texts of Security Council and General Assembly resolutions and draft resolutions and statements by Ambassadors Jean J. Kirkpatrick, U.S. Permanent Representative to the United Nations, and Charles M. Lichenstein, Alternate U.S. Representative to the United Nations for Special Political Affairs.

SECURITY COUNCIL RESOLUTION 508, JUNE 6, 1982¹

The Security Council,

Recalling Security Council resolutions 425 (1978), 426 (1978) and the ensuing resolutions, and more particularly, Security Council resolution 501 (1982),

Taking note of the letters of the Permanent Representatives of Lebanon dated 4 June 1982 (S/15161) and S/15162,

Deeply concerned at the deterioration of the present situation in Lebanon and in the Lebanese-Israeli border area, and its consequences for peace and security in the region,

Grossly concerned at the violation of the territorial integrity, independence, and sovereignty of Lebanon,

Reaffirming and supporting the statement made by the President and the members of the Security Council on 4 June 1982 (S/15163), as well as the urgent appeal issued by the Secretary-General on 4 June 1982,

Taking note of the report of the Secretary-General,

1. Calls upon all the parties to the conflict to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border and no later than 0600 hours local time on Sunday, 6 June 1982.

2. Requests all Member States which are in a position to do so to bring their influence to bear upon those concerned so that the cessation of hostilities declared by Security Council resolution 490 (1981) can be respected;

3. Requests the Secretary-General to undertake all possible efforts to ensure the implementation of and compliance with this

resolution and to report to the Security Council as early as possible and not later than forty-eight hours after the adoption of this resolution.

SECURITY COUNCIL RESOLUTION 509, JUNE 6, 1982²

The Security Council,

Recalling its resolutions 425 (1978) of 19 March 1978 and 503 (1982) of 8 June 1982,

Grossly concerned at the situation as described by the Secretary-General in his report to the Council,

Reaffirming the need for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

1. Demands that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

2. Demands that all parties observe strictly the terms of paragraph 1 of resolution 508 (1982) which called on them to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;

3. Calls on all parties to communicate to the Secretary-General their acceptance of the present resolution within 24 hours;

4. Decides to remain seized of the question.

AMBASSADOR LICHENSTEIN'S STATEMENT SECURITY COUNCIL, JUNE 6, 1982

This resolution focuses on two elements as a means of ending the present military confrontation in Lebanon—a cessation of hostilities by all of the parties and the withdrawal of Israeli forces from Lebanon.

Operative paragraphs 1 and 2 of this resolution seek to accomplish these two interrelated objectives. We wish to emphasize that these two objectives are, in fact, inextricably linked and that their

implementation must be simultaneous.

This, in our view, is the clear, logical, and necessary meaning of the resolution.

I need only add that it is the fervent hope of my government, which has devoted so much effort to the resolution of this conflict—and which even at this very moment is carrying forward its commitment to the task—that the blood shed be ended immediately and that the conditions be established for a just and enduring peace in the region.

SECURITY COUNCIL DRAFT RESOLUTION (S/15185), JUNE 6, 1982³

The Security Council,

Recalling its resolutions 508 (1982) and 509 (1982),

Taking note of the report of the Secretary-General (S/15178) of 7 June 1982,

Also taking note of the two positive replies to the Secretary-General of the Government of Lebanon and the Palestine Liberation Organization contained in document S/15178.

1. Condemns the non-compliance with resolutions 508 (1982) and 509 (1982) by Israel;

2. Urges the parties to comply strictly with the regulations attached to the Hague Convention of 1907;

3. Reiterates its demand that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

4. Reiterates also its demand that all parties observe strictly the terms of paragraph 1 of resolution 508 (1982) which called on them to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;

5. Demands that within six hours all hostilities must be stopped in compliance with Security Council resolutions 508 (1982) and 509 (1982) and decides, in the event of non-compliance, to meet again to consider practical ways and means in accordance with the Charter of the United Nations.



Feature Lebanon

AMBASSADOR KIRKPATRICK'S STATEMENT, SECURITY COUNCIL, JUNE 8, 1982^a

I desire to offer an explanation of vote on behalf of my government. The objective of my government is to end the bloodshed and the cycle of violence in Lebanon and to restore full respect for the sovereignty, territorial integrity, and independence of that troubled land.

Two previous resolutions of this Council—Resolutions 508 and 509—contained balancing language that took account of the fact that the conflict in Lebanon and across the Lebanese-Israeli border is complex in its origins and that its resolution will require compliance in deed as well as in word with the resolutions of the Security Council.

Unfortunately, the resolution now before us is not sufficiently balanced to accomplish the objectives of ending the cycle of violence and establishing the conditions for a just and lasting peace in Lebanon. For that reason, Mr. President, the United States voted against this resolution.

My government is now currently engaged in every possible effort to bring the violence to an end. We shall continue those efforts.

SECURITY COUNCIL RESOLUTION 511, JUNE 18, 1982^b

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979), 459 (1979), 467 (1980), 483 (1980), 488 (1981), 490 (1981), 498 (1981), and 501 (1982).

Reaffirming its resolutions 508 (1982) and 509 (1982).

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon (S/15194 and Add.1 and 2) and taking note of the conclusions and recommendations expressed therein.

Bearing in mind the need to avoid any developments which could further aggravate the situation and the need, pending an examination of the situation by the Council in all its aspects, to preserve in place the capacity of the United Nations to assist in the restoration of the peace,

Lebanon—A Profile

Geography

Area: 10,400 sq. km. (4,015 sq. mi.); about the size of Connecticut. Capital: Beirut (pop. 1.1 million). Other Cities: Tripoli (240,000), Zabliah (55,000), Sidon (110,000), and Tyre (90,000). Terrain: Narrow coastal plain backed by high Lebanese Mountains, the fertile Bekaa Valley, and the Anti-Lebanon Mountains extending to the Syrian border. Land—64% urban, desert, or waste; 27% agricultural; 9% forested. Climate: Typically Mediterranean, resembling that of southern California. Temperatures rarely exceed 30°C (85°F) during the summer, but humidity is high.

People

Population (1981 est.): 3 million. Annual Growth Rate: 2.5%. Ethnic Groups: 93% Arab, 6% Armenian. Religions: Christian (Maronite, Greek Orthodox and Catholic, Roman Catholic, Protestant), Muslim (Sunni and Shi'a), Druse. Languages: Arabic (official), Armenian, French, English. Education: Years compulsory—5. Attendance: 98%. Literacy—78%. Health: Infant mortality rate—45/1,000 (1980). Life expectancy—65 yrs.

Government

Type: Parliamentary Republic. Constitution: May 26, 1926 (amended). Date of Independence: 1943. Branches: Executive—president (chief of state, elected by simple majority of Parliament for 6-yr. term), Cabinet of Ministers (appointed). Legislative—Unicameral Parliament (99-member Chamber of Deputies elected for 4-yr. terms). Judicial—secular and religious courts; combination of Ottoman, civil, and canon law; no judicial review of legislative acts. Administrative Subdivisions: 5 provinces, each headed by a governor: Beirut, North Lebanon, South Lebanon, Mount Lebanon, and Bekaa. Political Parties: Organized

along sectarian lines around individuals whose followers are motivated by religious, clan, and ethnic considerations. Suffrage: Males over 21, females over 21 with elementary education. Central Government Budget (1981): \$1.3 billion. Defense (1981): \$250.3 million or 19% of government budget. Deficit—\$238.4 million or 25% of budget.

Economy

GDP (1977): \$2.5 billion. Annual Growth Rate: Varies with security situation but thought to be negligible over the 1974-81 period. Per Capita Income: \$384. Avg. Inflation Rate (1981): 20%—25% est. Natural Resources: Limestone. Agriculture (8.5% of GDP): Products—citrus fruit, produce. Land—400,000 hectares under cultivation. Industry (13% of GDP): cement production, light industry, refining. Trade (1978): Exports—\$664 million: chemicals, \$113 million; metal products, \$100 million; agricultural products, \$93 million; textiles, \$73 million. Major markets—Arab states 86%; non-Arab, 12%. Imports—\$2.1 billion: commodity breakdown not available. Major suppliers—Western Europe, U.S. Official Exchange Rate (Oct. 31, 1981): 4,507 Lebanese pounds—U.S.\$1.

Membership in International Organizations

U.N. and several of its specialized agencies, Arab League, Organisation of the Islamic Conference, Nonaligned Movement, Group of 77, INTERSAT.

The information on this country is taken from the July 1982 Background Notes, one of a series of Notes on about 165 countries of the world, edited by Joanne Rapoport Reame of the Bureau of Public Affairs.

A 1-year subscription (about 60 Notes) is available for \$18 a year (domestic); \$22.50 (foreign) from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20462.

1. Decides as an interim measure, to extend the present mandate of the Force for a period of two months, that is, until 19 August 1982.

2. Authorizes the Force during that period, to carry out, in addition, the interim tasks referred to in paragraph 17 of the Secretary-General's report (S/15194/Add.2);

3. Calls on all concerned to extend full co-operation to the Force in the discharge of its tasks;

4. Requests the Secretary-General to keep the Security Council regularly informed of the implementation of resolutions 508 (1982) and 509 (1982) and the present resolution.

**AMBASSADOR KIRKPATRICK'S
STATEMENT,
SECURITY COUNCIL,
JUNE 18, 1982^a**

The United States is pleased that this Council is extending the mandate of UNIFIL [U.N. Interim Force in Lebanon] for a period of 2 months. We are likewise pleased and grateful that the troop-contributing countries are prepared to continue to so materially assist this organization in carrying out its responsibilities. Obviously, the situation in Lebanon is fraught with uncertainty, as well as with pain and turmoil.

The United States has voted today to extend this mandate without any extension of responsibilities, functions, or territorial scope because we believe that this course will contribute most directly and clearly to the restoration of peace and well-being of the area and to the restoration of the authority and the sovereignty of the Government of Lebanon. The mandate has been extended for 2 months. During that period, while the situation stabilizes, we in the Council will have the opportunity to collectively study what best serves the common good of the people of Lebanon and the peace of the region.

**AMBASSADOR LICHENSTEIN'S
STATEMENT,
SECURITY COUNCIL,
JUNE 19, 1982^a**

My government, in consultation with the governments of Lebanon and Israel and with U.N. authorities, wholly supports the positive efforts now going forward in the field to provide humanitarian services to the people of Lebanon. Each day this humanitarian effort is more effective, reaching more of those needing special services. We believe that such progress will continue.

As an earnest of our commitment, President Reagan has appointed the Administrator of the U.S. Agency for International Development as his personal representative to coordinate all U.S. efforts to assist in this process. Fifteen

million dollars have already been committed to the effort. We anticipate the authorization of an additional \$20 million.

Our principal concern remains the restoration of full Lebanese sovereignty and authority throughout its territory. As I have said, we are wholly committed to serving the human needs of the people of Lebanon. We hope, and we trust, that no party and no government will exploit these fundamental humanitarian concerns for narrow, political purposes.

In the context of these considerations and reflections, my delegation has supported the draft resolution.

**SECURITY COUNCIL
RESOLUTION 512,
JUNE 19, 1982^a**

The Security Council,

Deeply concerned at the sufferings of the Lebanese and Palestinian civilian populations,

Referring to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the regulations annexed to the Hague Convention of 1907,

Reaffirming its resolutions 506 (1982) and 509 (1982),

1. *Calls upon all the parties to the conflict to respect the rights of the civilian populations, to refrain from all acts of violence against those populations and to take all appropriate measures to alleviate the suffering caused by the conflict, in particular, by facilitating the dispatch and distribution of aid provided by United Nations agencies and by non-governmental organizations, in particular, the International Committee of the Red Cross (ICRC);*

2. *Appeals to Member States to continue to provide the most extensive humanitarian aid possible;*

3. *Stresses the particular humanitarian responsibilities of the United Nations and its agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), towards civilian populations and calls upon the parties to the conflict not to hamper the exercise of those responsibilities and to assist in humanitarian efforts;*

4. *Takes note of the measures taken by the Secretary-General to co-ordinate the activities of the international agencies in this field and requests him to make every effort*

to ensure the implementation of and compliance with this resolution and to report on these efforts to the Council as soon as possible.

**SECURITY COUNCIL
DRAFT RESOLUTION
(S/15255/Rev.2),
JUNE 25, 1982^a**

The Security Council,

Reaffirming its resolutions 506 (1982) and 509 (1982),

Reaffirming also its resolution 512 (1982), which, inter alia, calls upon all the parties to the conflict to respect the rights of the civilian populations,

Seriously concerned at the constant deterioration of the situation in Lebanon, resulting from the violation of the sovereignty, integrity, independence and unity of that country,

Profoundly apprehensive of the dangers of extension of the fighting within Beirut, its capital,

1. *Demands that all the parties observe an immediate cessation of hostilities throughout Lebanon;*

2. *Demands the immediate withdrawal of the Israeli forces engaged round Beirut, to a distance of 10 kilometres from the periphery of that city, as a first step towards the complete withdrawal of Israeli forces from Lebanon, and the simultaneous withdrawal of the Palestinian armed forces from Beirut, which shall retire to the existing camps;*

3. *Supports all efforts by the Government of Lebanon to ensure Lebanese sovereignty throughout the territory and the integrity and independence of Lebanon within its internationally recognized frontiers;*

4. *Calls upon all armed elements in the Beirut area to respect and abide by the exclusive authority of the Government of Lebanon;*

5. *Supports the Government of Lebanon in its will to regain exclusive control of its capital and, to that end, to install its armed forces which shall take up positions within Beirut and interpose themselves on its periphery;*

6. *Requests the Secretary-General, as an immediate measure, to station United Nations military observers, by agreement with the Government of Lebanon, with instructions to supervise the cease-fire and disengagement in and round Beirut;*

7. *Further requests the Secretary-General to study any request by the Government of Lebanon for the installation of a United Nations force which could, within the*



Feature Lebanon

Philip C. Habib—The President's special emissary to the Middle East

Philip Charles Habib was born on February 25, 1920, in Brooklyn, New York. He graduated from the University of Idaho in 1942 and in 1952 received a Ph.D. in agricultural economics from the University of California (Berkeley).

In 1947, following service in the U.S. Army during the Second World War, Ambassador Habib became a teaching research assistant at the University of California. In 1949, he was appointed a Foreign Service officer and was assigned to the American Embassy in Ottawa as an economic officer. He then served in Wellington (1951-54) and in the Department (1955-57). He subsequently became political officer at Port of Spain, Trinidad and Tobago and the Department's officer-in-charge of underdeveloped areas in the office of the Under Secretary's Special Assistant for Communist Economic Affairs (1960-61).

Ambassador Habib was Counselor for Political Affairs in Seoul (1962-65) where he served as political officer (with the personal rank of minister) in Saigon (1965-67). He served as Deputy Assistant Secretary for East Asian and Pacific Affairs (1967-69) and was senior



President Reagan presents Ambassador Habib with the Presidential Medal of Freedom, the nation's highest civilian award.

adviser to the U.S. delegation in Paris at the peace negotiations on Vietnam (1968-71).

He was Ambassador to Korea (1971-74), Assistant Secretary for East Asian and Pacific Affairs (1974-76), and Under Secretary for Political Affairs (1976-78); beginning in June 1979 he became a senior adviser to the Secretary.

Ambassador Habib retired from the Foreign Service on February 29, 1980. He was appointed the President's special emissary to the Middle East on May 5, 1981. ■

while containing many elements we support, fails to call for the essential requisite for the restoration of the authority of the Government of Lebanon—that is, the elimination from Beirut and elsewhere of the presence of armed Palestinian elements who neither submit to nor respect the sovereign authority of the Lebanese Government. The omission of this requisite, in our view, thus, is inconsistent with the essential goal of restoration of Lebanese sovereignty. This, we believe, is a fatal flaw.

The resolution does contain many elements that we support—namely, a call for an immediate cease-fire, a call for simultaneous withdrawal of Israeli and Palestinian forces from the area of Beirut, and the proposal that U.N. observers, upon the request of the Government of Lebanon, monitor the cease-fire.

The members of this Council are well aware of the threat which armed foreign elements pose to the authority of the Government of Lebanon and to stability throughout the region. We deeply regret that this essential factor was not accorded the weight we believed it must have in the draft resolution before us.

AMBASSADOR LICHENSTEIN'S STATEMENT, GENERAL ASSEMBLY, JUNE 26, 1982^a

The United States wishes to stress once again its deep and abiding commitment to the sovereignty, territorial integrity, unity, and political independence of Lebanon within its internationally recognized boundaries. We are also deeply—and, at this very moment, actively—committed to helping bring the tragic conflict now taking place in Lebanon to a just and lasting end as rapidly as possible.

The United States fully recognizes that the resolution before us reflects the profound emotional anguish felt by everyone of goodwill at the continuing loss of life and human suffering in Lebanon. Nonetheless, the resolution regretfully is an unhelpful gesture at this most delicate stage. The United

framework of the implementation of the preceding paragraphs, take up positions besides the Lebanese interposition forces, or for the use of the forces available to the United Nations in the region;

8. Requests the Secretary-General to report to the Council on an urgent and sustained basis not later than 1 July 1982 on the status of implementation of the present resolution and of resolution 509 (1982), 509 (1982) and 512 (1982);

9. Requests all Member States to cooperate fully with the United Nations in the implementation of the present resolution;

10. Desires to remain seized of the question.

AMBASSADOR LICHENSTEIN'S STATEMENT, SECURITY COUNCIL, JUNE 26, 1982^b

The fundamental basis of the policy of the United States is now and has consistently been to contribute to the restoration of the Government of Lebanon's full authority throughout its land and its sovereignty and territorial integrity. My government is deeply moved by the suffering of the Lebanese people in the present crisis.

We had hoped that the draft resolution before the Security Council tonight would have reflected this basic concern. Unfortunately, the draft resolution,

States cannot be a party to an unbalanced statement which may well have the effect of heightening the underlying animosities in Lebanon and actually increasing the danger of a wider conflict. A just and lasting settlement cannot be achieved by issuing declarations and ultimatums—motivated sometimes by vindictiveness, even by hatred—but requires an urgent effort by all nations committed to the principles of the U.N. Charter to lessen the tensions and find a path to peace.

The humanitarian task of aiding the victims of the conflict in Lebanon is surely no less urgent than the goal of bringing the conflict to an end. The concern of the U.S. Government was demonstrated by President Reagan when he made an immediate initial allocation of \$15 million for humanitarian aid in Lebanon and also requested from the U.S. Congress an additional appropriation of \$20 million. The Congress, reflecting the deep human concern of the entire American people, not only approved the President's request but indicated its wish to provide yet an additional \$20 million of assistance. The United States, of course, stands ready to provide further assistance as and where needed.

GENERAL ASSEMBLY RESOLUTION A/ES-7/5, JUNE 26, 1982^a

The General Assembly,

Having considered the question of Palestine at its resumed seventh emergency special session,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

Alarmed by the worsening situation in the Middle East as a result of Israel's acts of aggression against the sovereignty of Lebanon and the Palestinian people in Lebanon,

Recalling Security Council resolutions 508 (1982) of 6 June 1982, 509 (1982) of 6 June 1982 and 512 (1982) of 19 June 1982,

Taking note of the reports of the Secretary-General relevant to this situation, particularly his report of 7 June 1982,

Taking note of the two positive replies to the Secretary-General by the Government of Lebanon and the Palestine Liberation Organization,

*by James E. Miller
General and European Division
Office of the Historian
Bureau of Public Affairs*

On the evening of March 14, 1978, Israeli Armed Forces invaded southern Lebanon after terrorist attacks on March 11 along the Tel-Aviv and Haifa road had left 34 Israelis and one U.S. citizen dead. The Government of Israel announced that its military action was aimed at destroying the bases used by Palestine Liberation Organization (PLO) terrorists for the March 11 and previous raids.

On March 15, Israeli Prime Minister [Menahem] Begin announced that his forces would halt after they had established a 6-mile security zone and would withdraw as soon as Israel had guarantees that southern Lebanon would no longer serve as a base for PLO attacks on Israel. However, as a result of continuing Palestinian resistance, the Israeli army advanced beyond the 6-mile limit in an effort to destroy the PLO's military capacity.

The U.S. Government expressed its horror at the attacks on Israeli citizens but opposed the use of military force by Israel. On March 16, in conjunction with its European allies, the United States called for the withdrawal of Israeli forces from Lebanon. Two days later, it introduced a resolution at a special meeting of the U.N. Security Council calling for the establishment of a U.N. Interim Force in Lebanon (UNIFIL) which would permit the rapid withdrawal of Israeli forces and the reestablishment of the authority of the Government of Lebanon in the southern part of that nation. The U.S. draft pro-

Noting with regret that the Security Council has, so far, failed to take effective and practical measures, in accordance with the Charter of the United Nations, to ensure implementation of its resolutions 508 (1982) and 509 (1982),

Referring to the humanitarian principles

UNIFIL—

posal was approved as U.N. Resolution 425 (78) on March 19 by a vote of 12-0 with 2 abstentions (Czechoslovakia and the Soviet Union).

After hearing a report by the U.N. Secretary General on the terms under which UNIFIL could operate in southern Lebanon, the Security Council adopted this report as U.N. Resolution 426 (78) by an identical vote, thus establishing UNIFIL for a period of 6 months. The costs of this peacekeeping force were to be apportioned among U.N. member states. Major General Emmanuel S. Erakine of Ghana, Chief of Staff of the U.N. Troop Supervision Organization, was given command of UNIFIL. The new peacekeeping force was composed of troops assigned to the Troop Supervision Organization together with Iranian, Canadian, and Swedish personnel detached from U.N. forces stationed on the Golan Heights and the Sinai and contingents supplied by Norway, Nepal, and France. The United Kingdom, Nigeria, and Senegal also offered to supply contingents to UNIFIL.

A special session of the U.N. General Assembly subsequently approved a credit of \$54 million for the maintenance of a 4,000-man peacekeeping force in southern Lebanon—April 21, 1978—and has assigned the major share of the cost of UNIFIL to the five permanent members of the Security Council: the United Kingdom, France, the People's Republic of China, the Soviet Union, and the United States.

Meanwhile, on March 21, Israeli forces declared a unilateral cease-fire after reaching a line along the Litani River. The first contingents of UNIFIL troops arrived in the war zone on March 22 and attempted to take up posi-

of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to the obligations arising from the regulations annexed to the Hague Conventions of 1907,

Deeply concerned at the sufferings of the Palestinian and Lebanese civilian populations, Reaffirming once again its conviction that



Feature Lebanon

U.N. Interim Force In Lebanon

tions between the Israeli Army and the PLO forces. However, elements of the PLO rejected the Israeli cease-fire and continued to carry out attacks on Israeli positions. The Palestinians refused to recognize UNIFIL's mandate, and the peacekeeping forces came under fire from both PLO troops and from members of Lebanese Christian militia formations who opposed the Palestinian's presence in Lebanon. Israel informed the Secretary General that its withdrawal from southern Lebanon would depend on the size of the U.N. force and its ability to keep PLO guerrillas out of the area south of the Litani River.

On May 3, in response to the demands of the Israeli Government, the Security Council approved an increase in the size of UNIFIL to 6,000 men in Resolution 427 (78) by a vote of 12-0 with Czechoslovakia and the Soviet Union again abstaining. Israel announced on May 21 that it would withdraw from Lebanon by June 28. Three days later, PLO Chairman Yassir Arafat agreed to cooperate with UNIFIL in the establishment of their control in southern Lebanon and to quell attacks on Israel. However, Arafat was unable to enforce compliance within the PLO. Palestinian infiltration into southern Lebanon and attacks on UNIFIL troops continued. As a result, withdrawing Israeli forces turned over control of a buffer zone along the Lebanon-Israel border to a Christian Lebanese militia as they retired behind their borders on June 13, 1978.

UNIFIL now began serving as a peacekeeping force between the PLO and the Christian Lebanese as well as between Palestinian forces and Israel. In

view of the instability of the southern Lebanon region, the Security Council, on September 19, 1978, extended the life of UNIFIL for 4 additional months.

The period between January 1979 and the spring of 1981 was marked by a series of military operations interrupted by short-lived truces between Palestinians, Christians, and Israelis. UNIFIL forces attempted to carry out their peacekeeping role and were involved in a series of clashes with PLO and Christian militia forces as well as a number of ambushes in which soldiers of the forces were killed. The Security Council, noting the continuing instability in southern Lebanon, regularly renewed UNIFIL's mission at 6-month intervals, but the composition of the peacekeeping forces changed. U.N. troops who had originally been assigned to UNIFIL from other peacekeeping missions were withdrawn. Iranian soldiers who had comprised a large portion of UNIFIL troops were withdrawn after the 1979 revolution in that nation. Other nations provided troops to fill in the gaps, and by late 1980, UNIFIL numbered 7,000 men and was composed of national contingents from Fiji, France, Ireland, Italy, Nepal, the Netherlands, Nigeria, Norway, and Senegal. In addition, small contingents of the Army of the Republic of Lebanon were attached to UNIFIL forces as part of the effort to reestablish the control of the Government of Lebanon in the south. On February 5, 1981, Major General William Callaghan of the Republic of Ireland succeeded Major Gen. Erskine as commander of UNIFIL.

UNIFIL was unable to fulfill its mission of ending the warfare in southern Lebanon. In addition to continuing Palestinian infiltration and clashes be-

tween UNIFIL troops and the PLO and Lebanese Christian militia, Israeli impatience with the inability of the peacekeeping forces to prevent PLO infiltration grew.

Israeli officials charged that some UNIFIL troops collaborated with PLO terrorists. By early 1981, Israel had adopted a policy of preventive raids against Palestinian positions in Lebanon. At the same time, Syrian forces in Lebanon aided by the PLO were attempting to reduce the power of the Christian Lebanese forces.

In order to prevent a widening of the hostilities in Lebanon and the Middle East, President Reagan appointed Ambassador Philip C. Habib as his special emissary to the Middle East on May 5, 1981. As a part of the settlement which Habib negotiated over the ensuing summer, the PLO agreed to cease using southern Lebanon as a base for raids into Israel while Israel agreed to a ceasefire. Despite occasional breaches, this ceasefire held until June 1982.

On June 6, 1982, Israeli forces again crossed into Lebanon following the attempted assassination of the Israeli Ambassador in the United Kingdom. Once again, Israeli leaders stated that the purpose of the operation was to clean out terrorist bases in southern Lebanon. The commander of UNIFIL ordered his men not to resist the invasion. After the Israeli advance pushed north of the Litani River, UNIFIL forces remained in position. On June 19, the Security Council decided on another extension of UNIFIL's mandate through August 19, 1982. On August 17, the UNIFIL mandate was renewed for another 2 months, until October 18. ■

the question of Palestine is the core of the Arab-Israeli conflict and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights.

Reaffirming further that a just and comprehensive settlement of the situation in the

Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people,

1. Reaffirms the fundamental principle of the inadmissibility of the acquisition of territory by force;

2. Demands from all Member States and other parties to observe strict respect for Lebanon's sovereignty, territorial integrity, unity and political independence within its internationally recognized boundaries;

3. Decides to support fully the provisions in Security Council resolutions 508 (1982) and

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509 (1982) with, *inter alia*, demand that:

(a) Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

(b) All parties to the conflict cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli borders;

4. *Condemns* Israel for its non-compliance with resolutions 508 (1982) and 509 (1982);

5. *Demands* that Israel comply with all the above provisions no later than 0600 hours, Beirut time, on Sunday 27 June 1982;

6. *Calls upon* the Security Council to authorize the Secretary-General to undertake necessary endeavours and practical steps to implement the provisions of resolutions 508 (1982), 509 (1982) and 512 (1982);

7. *Urges* the Security Council, in the event of continued failure by Israel to comply with the demands contained in resolutions 508 (1982) and 509 (1982), to meet in order to consider practical ways and means in accordance with the Charter of the United Nations;

8. *Calls upon* all States and international agencies and organizations to continue to provide the most extensive humanitarian aid possible to the victims of the Israeli invasion of Lebanon;

9. *Requests* the Secretary-General to delegate a high-level commission to investigate and assess the extent of loss of human life and material damage and to report, as soon as possible, on the result of this investigation to the General Assembly and the Security Council;

10. *Decides* to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from Member States.

SECURITY COUNCIL RESOLUTION 513, JULY 4, 1982¹

The Security Council

Alarmed by the continued sufferings of the Lebanese and Palestinian civilian populations in South Lebanon and in West Beirut,

Referring to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the Regulations annexed to the Hague Convention of 1907,

Reaffirming its resolutions 508 (1982), 509 (1982) and 512 (1982),

1. *Calls for* respect for the rights of the

civilian populations without any discrimination and repudiates all acts of violence against those populations;

2. *Calls further for* the restoration of the normal supply of vital facilities such as water, electricity, food and medical provisions, particularly in Beirut;

3. *Commends* the efforts of the Secretary-General and the action of international agencies to alleviate the sufferings of the civilian population and requests them to continue their efforts to ensure their success.

SECURITY COUNCIL RESOLUTION 515, JULY 29, 1982¹⁰

The Security Council,

Deeply concerned at the situation of the civilian population of Beirut,

Referring to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the regulations annexed to the Hague Convention of 1907,

Recalling its resolutions 512 (1982) and 513 (1982),

1. *Demands* that the Government of Israel lift immediately the blockade of the city of Beirut in order to permit the dispatch of supplies to meet the urgent needs of the civilian population and allow the distribution of aid provided by United Nations agencies and by non-governmental organizations, particularly the International Committee of the Red Cross (ICRC);

2. *Requests* the Secretary-General to transmit the text of this resolution to the Government of Israel and keep the Security Council informed of its implementation.

AMBASSADOR KIRKPATRICK'S STATEMENT, SECURITY COUNCIL, JULY 29, 1982¹¹

The United States is never indifferent to the sufferings, insecurity, or deprivations of human beings caught in war, occupation, or natural disasters. Certainly, we have been deeply concerned with the hardships visited on the people of Lebanon during the current conflict. The Lebanese people, we know, have too long suffered violence at the hands of unwanted intruders, unwelcomed invaders, and occupiers. The concern of my government for the people of Lebanon has been, and is being actively

expressed in the large contributions for emergency humanitarian aid made by my government, and by the appointment of a special administrator for aid, and by implementation of extensive humanitarian aid programs in the region.

President Reagan has asked the Congress to provide a total of some \$65 million in humanitarian emergency aid for the people of Lebanon. The President's special envoy, Ambassador Philip Habib, has worked indefatigably in his efforts to restore peace to Lebanon and a degree of territorial integrity and sovereignty that the government has not enjoyed for too many years.

There is no room for doubt among reasonable men and women, I believe, about the commitment of the U.S. Government to the peace, independence, and sovereignty of Lebanon; indeed, for our commitment to peace, national independence, and sovereignty of all nations. Yet, we see serious problems with the resolution proposed by my friend and distinguished colleague, the representative of the Government of Spain, for the following reasons:

First, because of inadequate time either to gather or confirm the facts about the situation in Beirut and the problems of access;

Second, because of an inadequate opportunity to consult with our government; and

Third, because this resolution, we believe, is lacking in a certain, serious balance which would give it greater weight.

It is surely, in the first instance, the Palestine Liberation Organization (PLO) that imposes itself on the civilian population of Beirut. But, the resolution proposed by my distinguished colleague from Spain does not ask that that armed force abandon its occupation of Beirut or desist in its military activities. It calls only on Israel. Yet, everyone understands that Israel seeks to affect supplies to the PLO forces, not to the civilian population of Beirut.

The United States welcomes the concern of the Security Council and of the humanitarian agencies of the United Nations for the suffering in Lebanon, as we

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welcome the concern of this body for an end to human suffering everywhere. But we feel that a one-sided appeal in a two-sided conflict suggests purposes that are political as well as humanitarian, and we cannot support these. Certainly, we cannot support them on the basis of inadequate notice and inadequate information. We call, therefore, upon the Council to take the time necessary for more careful, balanced consideration of this most serious, wrenching problem. I ask the suspension of this session to permit consideration and consultation with our governments.

SECURITY COUNCIL RESOLUTION 514, AUG. 1, 1982¹³

The Security Council,

Reaffirming its resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982) and 513 (1982),

Recalling its resolution 515 (1982) of 29 July 1982,

Alarmed by the continuation and intensification of military activities in and around Beirut,

Taking note of the latest massive violations of the cease-fire in and around Beirut,

1. Confirms its previous resolutions and demands an immediate cease-fire, and a cessation of all military activities within Lebanon and across the Lebanese-Israeli border;

2. Authorizes the Secretary-General to deploy immediately on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;

3. Requests the Secretary-General to report back to the Council on compliance with this resolution as soon as possible and not later than four hours from now.

SECURITY COUNCIL RESOLUTION 517, AUG. 4, 1982¹⁴

The Security Council,

Deeply shocked and alarmed by the deplorable consequences of the Israeli invasion of Beirut on 3 August 1982,

1. Reaffirms its resolutions 508 (1982), 509 (1982), 512 (1982), 513 (1982), 515 (1982) and 516 (1982);

2. Confirms once again its demand for an immediate cease-fire and withdrawal of Israeli forces from Lebanon;

3. Censures Israel for its failure to comply with the above resolutions;

4. Calls for the prompt return of Israeli troops which have moved forward subsequent to 1825 hours EDT on 1 August 1982;

5. Takes note of the decision of the Palestine Liberation Organization to move the Palestinian armed forces from Beirut;

6. Expresses its appreciation for the efforts and steps taken by the Secretary-General to implement the provisions of Security Council resolution 516 (1982), and authorizes him, as an immediate step, to increase the number of United Nations observers in and around Beirut;

7. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as possible and not later than 1000 hours EDT on 5 August 1982;

8. Decides to meet at that time if necessary in order to consider the report of the Secretary-General and, in case of failure to comply by any of the parties to the conflict, to consider adopting effective ways and means in accordance with the provisions of the Charter of the United Nations.

SECURITY COUNCIL RESOLUTION 518, AUG. 12, 1982¹⁴

The Security Council,

Recalling its Resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982), 513 (1982), 515 (1982), 516 (1982), 517 (1982),

Expressing its most serious concerns about Israel's continued military activities in Lebanon and particularly in and around Beirut,

1. Demands that Israel and all parties to the conflict observe strictly the terms of Security Council resolutions relevant to the immediate cessation of all military activities within Lebanon and particularly in and around Beirut;

2. Demands the immediate lifting of all restrictions on the city of Beirut in order to permit the free entry of supplies to meet the urgent needs of the civilian population in Beirut;

3. Requests the United Nations observers in and in the vicinity of Beirut to report on the situation;

4. Demands that Israel cooperate fully in the effort to secure effective deployment of the United Nations observers as requested by the Government of Lebanon and in such a manner as to insure their safety;

5. Requests the Secretary-General to report soonest on the implementation of the present resolution to the Security Council;

6. Decides to meet if necessary in order to consider the situation upon receipt of the report of the Secretary-General.

¹³Adopted unanimously.

¹⁴U.S. vetoed; therefore the draft resolution was not adopted.

¹⁵USUN press release 43.

¹⁶Adopted by a vote of 13 for (U.S.), with 1 abstention.

¹⁷USUN press release 45.

¹⁸USUN press release 46.

¹⁹USUN press release 48.

²⁰USUN press release 49.

²¹Adopted by a vote of 127 for and 2 against (U.S.).

²²Adopted by a vote of 14 to 0. The U.S. did not participate.

²³USUN press release 59.

²⁴Adopted unanimously.
²⁵Adopted by a vote of 14 to 0 with 1 abstention (U.S.).

²⁶Adopted unanimously. ■

Maintaining a Cease-Fire In Lebanon

WHITE HOUSE STATEMENT, AUG. 2, 1982¹

The President met with Israeli Foreign Minister Shamir this morning. The focus of the discussion was Lebanon. The President reaffirmed his support for Ambassador Habib and his mission, which is based on the policies, expectations, and hopes of the Government of Lebanon. The President emphasized that an early diplomatic settlement of the current problem of west Beirut is the essential first step in ending the trauma of Lebanon, beginning the process for a better future for this ravaged country, and moving on to the broader peace process. The President stressed the need for a complete end by all parties to the hostilities in and around Beirut as a prerequisite to allow Ambassador Habib to pursue his urgent work. The world can no longer accept a situation of constantly escalating violence. The President highlighted the humanitarian needs of the large civilian population of west Beirut, with emphasis on the need to maintain essential services and to assure adequate supplies of food and medicines.

PRESIDENT'S STATEMENT, AUG. 4, 1982²

Last night, Israeli forces moved forward on several fronts from their ceasefire lines around Beirut. These movements were accompanied by heavy Israeli shelling and came only a day after I had made clear to the Israeli Government, in my meeting with Foreign Minister [Yitzhak] Shamir, that the United States placed great importance on the sustained maintenance of a ceasefire in place—to avoid further civilian casualties and to secure the prompt withdrawal of the PLO forces in Beirut.

This is a necessary first step toward our goal of restoring the authority of the Government of Lebanon, a goal Ambassador Habib [Philip C. Habib, the President's special emissary to the Middle East] is earnestly working toward with full cooperation of the Lebanese Government.

Through governments which have direct contact with the PLO [Palestine Liberation Organization], I have expressed my strong conviction that the PLO must not delay further its withdrawal from Lebanon. At the same time, I have expressed to the Israeli Government the absolute necessity of reestablishing and maintaining a strict ceasefire in place so that this matter can be promptly resolved.

WHITE HOUSE STATEMENT, AUG. 10, 1982³

We welcome the Israeli assessment as an essential element in getting the problem solved in Beirut. We are encouraged that the momentum of the peace process continues to build. Ambassador Habib is in Israel, having left Beirut early this morning, where he will discuss with Israeli officials the several amendments that the Israeli Government has suggested as a result of their Cabinet meeting, as well as other issues in the peace process.

We remain cautiously optimistic that the outstanding issues can be worked out. We are hopeful that there can be rapid movement toward the implementation of the full peace plan. It is our belief that negotiations can best move forward when a cease-fire is carefully observed by all parties.

WHITE HOUSE STATEMENT, AUG. 12, 1982⁴

The President was shocked this morning when he learned of the new heavy Israeli bombardment of west Beirut. As a result, the President telephoned Prime Minister Begin concerning the most recent bombing and shelling in Beirut.

The President expressed his outrage over this latest round of massive military action. He emphasized that Israel's action halted Ambassador Habib's negotiations for the peaceful resolution of the Beirut crisis when they were at the point of success. The result has been more needless destruction and bloodshed.

The President made it clear that it is imperative that the cease-fire in place be observed absolutely in order for negotiations to proceed. We understand the Israeli cabinet has approved a new cease-fire, which is in effect. It must hold.

¹Text from Weekly Compilation of Presidential Documents of Aug. 9, 1982.

²Text from Weekly Compilation of Presidential Documents of Aug. 9, 1982.

³Text from Weekly Compilation of Presidential Documents of Aug. 16, 1982.

⁴Text from Weekly Compilation of Presidential Documents of Aug. 16, 1982. ■

The CHAIRMAN. Senator Cranston?

Senator CRANSTON. Since we are not going to be voting for a few moments until the other Senators arrive, I would like to explain the substitute that I wish to offer and ascertain when it is appropriate for me to offer it. Will it be following disposition of the Mathias and Baker amendments?

The CHAIRMAN. Would you care to explain what the substitute would be?

Senator CRANSTON. The substitute would be to strike everything in Senate Joint Resolution 166, substitute a new preamble which would read, "Finding, that sections 4(a)(1), 4(a)(2), and 4(a)(3) of the War Powers Resolution apply to the present circumstances in Lebanon."

Section 1, as we all know, applies to when U.S. Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Section 4(a)(2) relates to into the territory, air space, or waters of a foreign nation while equipped for combat except for deployments which relate solely to supply replacement, repair, or training of such forces, and section 4(a)(3) reads, in numbers which substantially enlarge U.S. Armed Forces equipped for combat already located in a foreign nation.

So, the resolution would then read, "Resolved by the Senate and House of Representative of the United States of America in Congress assembled the requirements of section 4(a)(1), 4(a)(2), and 4(a)(3) of the War Powers Resolution have been operative since August 29, 1983."

Now, let me say just briefly by way of explanation that I submit that all three of the provisions of section 4 have actually occurred. This resolution would not mean that we would be withdrawing all the marines from Lebanon at any particular time.

Senator PRESSLER. Mr. Chairman?

Senator CRANSTON. I wanted to just explain this. This would not mean—it would not require that all the marines be withdrawn from Lebanon at any particular time. It would mean that the President within 48 hours would have to report to us on the purpose, the scope, and the estimated time that it will take to achieve those purposes.

And then Congress will have a full opportunity to not act, which would mean that the marines would have to be withdrawn within 60 or 90 days from August 29, or Congress would have the full authority to extend the time for 18 months or 12 months or 6 months or whatever time we choose. It does not foreclose that, but it proceeds under the War Powers Act as we wrote it, and as we all know, I believe it really should be followed.

The CHAIRMAN. Senator Cranston, can copies of your substitute be made available to the membership now?

Senator CRANSTON. I will try to get them prepared right away.

The CHAIRMAN. Thank you very much.

Senator PRESSLER. Mr. Chairman?

The CHAIRMAN. Senator Pressler.

Senator CRANSTON. If I may clarify the other point, when will that be in order, following Mathias and Baker? Is that correct? Their amendments, as a substitute?

The CHAIRMAN. The Mathias resolution will be up. If Senator Baker wishes to offer a substitute, he can at that point.

Senator CRANSTON. Following disposition of that, my substitute will be offered?

The CHAIRMAN. Following disposition and voting on that, you could offer your substitute.

Senator CRANSTON. Thank you.

Senator PRESSLER. Mr. Chairman, I was absent this morning because the largest employer in the State of South Dakota is settling a very bitter labor dispute. It appears to have been settled. It involves the jobs of several thousand people, and I was preoccupied with that, to put it mildly.

The last couple of days, labor and management negotiators at the Morrell meat packing plant have been bargaining around the clock in an effort to avoid the closing of the pork processing portion of the plant. The Sioux Falls Morrell plant, with over 3,000 employees, is the largest employer in South Dakota, so this dispute is of great importance to my home State. I encouraged the negotiations, which appear to have been successful. The agreement will be voted on by workers Sunday, and if passed, the pork plant will remain in operation.

The CHAIRMAN. Senator Lugar, is there anything you would like to comment on at this point?

Senator LUGAR. No, thank you, Mr. Chairman.

The CHAIRMAN. I think at this time then we have before us the Mathias resolution for discussion and for vote.

Senator MATHIAS. As far as I am concerned, Mr. Chairman, I have discussed it thoroughly and have nothing further to say.

Senator BAKER. Mr. Chairman, I am trying to get my amendment in the nature of a substitute on paper. I have described it already. What it will do is, it will substitute the Baker-Percy resolution for all after the title of the Mathias resolution with the exception of the two amendments adopted by him this morning, which will be added at the end of the resolution.

The CHAIRMAN. Is there anyone else who wishes to be heard at this time?

Senator PELL. I have one question. Does that mean yours with the 18 months?

Senator BAKER. Yes, it would be 18 months, but it would embrace the two new proposals by Senator Mathias this morning that there be a 3-month reporting requirement, not longer than 6, and that the expedited handling provisions of the War Powers Act would specifically apply to a subsequent resolution proposing the withdrawal of troops.

Senator PELL. Would the Senator consider, and my vote would be dependent upon this, in fact, a 6-month limitation as opposed to 18 months?

Senator BAKER. Mr. Chairman, I cannot. I feel that the 18 months is the critical feature of the extensive efforts that have gone on to try to resolve this issue, and I do have 18 months in mind, and I urge that we consider it and that it is important to preserve that.

The CHAIRMAN. Senator Baker and Senator Pell, I also would have to oppose the 6-month limitation. I think that really it would

be clear on the face of it that 6 months would simply be a total hindrance to our obtaining the three major policy objectives of the administration. I think it would make their attainment more difficult.

Syria is the principal force in Lebanon, and if we set a 6-month limit on our presence, there will be no incentive for the Syrians to withdraw. All they have to do is just hang on, and Lebanon would appear to fall right into their lap. The Syrian supported opponents will be encouraged, and the government supporters will be severely weakened, I think.

The 18 months, though it appears to be a long time, when we take into account our Marine forces have been there a year already, it is a miracle that casualties have been limited, tragic as they were, limited to what they were. And certainly the 18-month framework sends a clear signal that we do not intend to just cut and run and get out, that we intend to be there for the purpose of carrying out our objectives, though we have limited our presence specifically by this resolution to attainment without further authority of the limited mandate of the objectives of the peacekeeping force.

We, of course, will be dealing in conference, because we have to go to conference with the House on the two amendments offered by Senator Mathias that have been adopted by the committee. We will also deal in conference with the House added provision that conditions our presence upon the continued presence of the Italian and French forces as well.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Senator Biden.

Senator BIDEN. May I speak in opposition to the Baker substitute and comment very briefly on what I assume is Senator Baker's intention, which is the same as yours, and that is, the reasons for the 18 months is, that time is needed for the attainment of the policy goals that were stated, reiterate those, withdrawal of all external forces from Lebanon, a sovereign, independent Lebanon dedicated to national unity, able to exercise power throughout the country, and securing the northern border of Israel.

Now, I want to make clear my objection to that amendment. It is that I do not think those policy objections are ones that can reasonably be accomplished in any time frame that we could define, and they should not be ones which would tie our military presence in the region to attainment of those policy objectives.

I reiterate the analogy, a policy objective in Poland is a free Poland, but our military relationship in Europe is not tied to the establishment of a free Poland, No. 1. No. 2, I think that both the judgment of the resolution of the Senator from Tennessee and the Senator from Maryland make judgments that we should not be making now, and the President should be prepared to explain to us what the judgment is.

Let me speak specifically to the Mathias whereas clauses. It says, "Whereas, the situation requires congressional authorization to continue the presence of U.S. forces in a situation of hostilities or imminent involvement in hostilities for longer than 60 days." It is the judgment of the Senator from Maryland that this requires a

presence beyond 60 days. You have already made that judgment, that it will take more than 60 days.

Senator MATHIAS. That is my judgment.

Senator BIDEN. Well, I ask the Senator this question. I am not being facetious. Is the thing that we are attempting to accomplish within the time frame that requires longer than 60 days the stated objectives of the President of the United States and the Secretary of State before this committee, the three that I named? Is that what we are about to do? Is that what we are there for?

Senator MATHIAS. Will, those and other objectives, as the Senator well knows. We have a very complex web of policy in the Middle East. It involves a number of threads. I do not disagree with the Senator that it would be desirable to have a clear enunciation, a clear and comprehensive enunciation of American policy, and I regret that there is not one today. I think there ought to be.

Senator BIDEN. Is the Senator prepared to keep the Marines there until these objectives are accomplished?

Senator MATHIAS. Well, as I said earlier in my statement, I do not think that the age-old problems of the Middle East are going to be solved in 6 months or 8 months or 18 months or maybe not 18 years, but I do think that this phase with which we are dealing in Lebanon is going to be focused and defined more sharply than it is now, so that we can make other decisions within the 6 months. That is my judgment. It is a judgmental question.

Senator BIDEN. And I truly respect the Senator and his judgment. I just would go back to my final point in argument in opposition to both of these resolutions.

Senator MATHIAS. But the point is, within 6 months, I think we will have seen enough to be able to make a new decision, either not to pull out or to stay, or at least not prejudging whether that decision is to pull out or to stay, but to make a judgment.

Senator BIDEN. My experience is not as long or as distinguished as that of the Senator from Maryland in the U.S. Congress, but in the 11 years that I have been here, whether it is in this committee or the Intelligence Committee dealing with covert actions, I have found that if the argument against withdrawing a presence is that we will be cutting and running, we will be hurting U.S. prestige, we will be damaging U.S. interests, if that argument is valid at the outset, the extension of time granted to accomplish a goal that is not achievable but nonetheless announced to the world chisels it in concrete, and we end up in a position where the Senator, and I will not prejudge any Senator, but I suspect we will have Senators on this committee 6 months from now and 8 months from now or however long it takes, 18 if the Baker resolution passes, suggesting that even though we are nowhere near accomplishing those goals, we have now made such a fundamental commitment, we have said to the world, these are our goals, we have said to the world, this is what we are about, and to fail in accomplishing that would be a damage, a serious damage in prestige to the United States.

I would say we should go with the other Senator from Maryland's view, and tightly prescribe what our objective is, so that we in fact have a reasonable chance of accomplishing it, and we are then not judged by a standard of success or failure that was not attainable in the first instance. So, that is why I am going to vote

against both resolutions, among other reasons. But I wanted to make that point.

The CHAIRMAN. Senator Biden, on the 6-month limitation, I have come to the firm conclusion that if I were an opponent of the Lebanese Government and I saw the Congress of the United States had set a 6-month deadline, it would give me every encouragement to inflict unacceptable casualties upon the Marines, to encourage the American people to put pressure on the Congress to withdraw. I put that question to General Kelley and to Secretary Shultz, and they both concurred with that.

So I just feel that though there is no magic in any numbers, I suppose, 6 months does appear to be too short, 18 months may appear to be too long, but I think, on the other hand, as long as we have the authority to order those troops out of there in the event that the Congress in its judgment decides that it is not in our interests to continue their presence, we can do so, and I do not think we would do so if we did not feel—

Senator BIDEN. If I may respond, as usual, the Senator got to the nub of the question. My fundamental difference with the approach we are taking is that "the solution of the Lebanese problem," even a partial solution, does not lend itself to incremental steps. It requires bold strokes. If I were President of the United States today, I would be listening to McFarlane. I would take the 60 days I have and go in and do whatever I had to do, no matter what it meant, short of using nuclear force. I would move in, and I would clear out that region, if we said that is important to us.

But if we are unwilling to take that bold step, I am not willing to, what I believe this will do, incrementally bleed another generation on a much smaller scale than happened before, but bleed the Marines that are in there now.

I say that we should be saying to the President, you have 60 days, Mr. President. Get about the business of doing what you say has to be done. If those mountains are important and you need them, send it all in. Run the risk. But do not tell me you are going to play it incrementally.

So, that is why I do not think the 6 months or 18 months or 22 months—right now, there seems to be by the President a debate in the administration—I do not know this to be true, it is just what I read—that you have the bold stroke initiative being proposed by McFarlane, and you have politicians understandably who will run the State Department saying things like, well, I do not know whether we can do that, I am not sure that can be done, public opinion, et cetera, and I understand that argument, but I think we either go in and do it or we get out.

Senator LUGAR. Mr. Chairman.

The CHAIRMAN. Senator Lugar?

Senator LUGAR. Let me respond for a moment to my colleague from Delaware, because I think he makes some good points, although we may come out on different sides of the issue. It seems to me that we are not attempting to solve today our policy decisions with regard to Lebanon. It may be, as Senator Biden has suggested, and some of the press have also suggested this, that we ought to take a bold stroke, and we ought to get in and get it over with. That may be the wisest option, but that really is not our question

today. We are trying to clear away the legal thicket that has been presented by the war powers dispute.

The compromise, as I understand it, is that the President of the United States is willing to sign a resolution that at least gives an 18-month timeframe. He would prefer not to have any timeframe, and most Presidents, I think, would take that position. In fact, most people who are not all that sympathetic with the War Powers Act would not want to see time limits placed on the conduct of foreign policy in this area.

What we are faced with, it seems to me, is an opportunity in a bipartisan way in which the Speaker of the House and the President, the majority leader of the Senate, and others have come to a conclusion that we can at least get beyond the war powers dispute, clear away that thicket, and then get on with the problem of determining our policy.

I think that is useful, and I would hate to see it get bogged down today on a timeframe that could in any way unravel the bipartisan coalition that has brought about this situation. I am hopeful at least that members on both sides of the aisle would see the benefits of getting beyond this stage, and then having perhaps a forum for a debate that is probably essential on what we should do.

Senator BIDEN. On that point, Senator, that is why I will vote for the Cranston proposal, which tries to resolve that legal thicket on a much more tightly constructed legal point, interpretation of a legal point. So I agree with the Senator that that is the first thicket that must be passed, and then you move to the second, but like the majority leader said, and he demonstrates wisdom constantly around here that escapes me and many of the rest of us, he said, with regard to whether or not we go to the floor and whether or not we run out of time, he said, and I think I am paraphrasing him, he says we do not want to be done in by the law, or something to that effect.

I would respectfully suggest that we should not get too mired down in being done in by the law, war powers or otherwise, because once you get to that, you are only talking, whether it is 60 days or 16 months or 18 months, you then must get to the fundamental, and I am all for getting to that question at the outset, but I agree with the Senator. The issue is the first issue he raised.

Senator DODD. Would the Senator yield?

Senator BIDEN. I yield.

Senator DODD. The temptation to want to get out of the thicket is certainly strong. My concern is, in our efforts to get out of this thicket, we may be getting ourselves into a deeper one by not recognizing exactly what we are committing ourselves to here today. If we accept the 6 months or the 18 months, in effect what we do then as an institution congressionally, of course, for that period of time, it becomes virtually impossible for us to change that decision. If the Congress were to come back and either try to cut off funds or come up with a counterresolution, of course, the President could veto it, and it would require a two-thirds vote of this institution to reverse the policy we are establishing here today, and I presume we will next week.

So, while I am certainly moved by the desire to want to get beyond the legal questions, I think we ought to be a little more

thoughtful about exactly what we are committing ourselves to for that period of time, and that is an additional reason why I think what is the Cranston approach here today was offered by Congressman Downey in the House, and that was to begin in effect with the War Powers Resolution, giving the President the option to take that, the 48 hours, the report, and then the period the clock begins to move forward.

I would prefer to start on first base, and then move forward with this process, than to try to change what was decided through serious, lengthy, and deliberate debate during the consideration of the War Powers Resolution itself. It seems to me we are taking that entire debate, that entire effort, which dominated a significant part of this body's time when the War Powers Resolution was considered, and we are virtually in the first single instance where we are invoking it, abrogating exactly what a bipartisan membership of this institution adopted before I arrived here or other members of this committee.

It seems to me we should be thinking about that thicket, exactly the point Senator Lugar has raised. My concern is that in 1 month or so or less we are going to look back and wish while the temptation was strong to put the thicket behind us that we may have spent a little more time thinking about that thicket. My concern, and I think it is the concern of all of us here, is that we are sailing off in a sense without having a really clear sense of what the policy is.

I would just tell my colleagues here today that yesterday we had some 30 or 40 members of the European parliament here in our Senate chamber, members from Italy, England, France, and Great Britain. Their conclusion was that there was no sense that their governments had really been consulted about even the timeframes we are talking about. We asked them to join us in that peacekeeping force, and yet they do not seem to have any sense yet exactly what our policies are and whether or not they are going to be on board in terms of staying involved as part of that mission.

So, I would prefer and hope that the committee might consider the Cranston approach or the approach that has been offered or was offered in the House of Representatives. I think the institution will be better off, the country will. I think the President is better off. It does not pull the Marines out. It gives us a chance to go through this in a deliberate fashion, and think about the thicket.

My concern is to avoid it before we get ourselves into a deeper mess.

Senator PRESSLER. Mr. Chairman?

The CHAIRMAN. Senator Pressler first, then Senator Mathias, then Senator Baker.

Senator PRESSLER. Mr. Chairman, I want to say that when the marines were proposed to be sent into Lebanon, I strongly opposed it, and I opposed it on the day that they were sent. I would very much like to see us move toward getting them out of there as soon as possible. However, we have arrived at a bipartisan consensus, and I intend to support it. I do not want to see it destroyed today. But I do feel strongly that when it comes to the floor, we need again to review this 18-month figure, and talk to the President, and hear if there is not a very good chance of getting an informal

commitment of getting them out sooner; but in the interests of holding this thing together today, I will support the bipartisan consensus that seems to have emerged.

The CHAIRMAN. Thank you, Senator Pressler.

Senator Mathias?

Senator MATHIAS. Mr. Chairman, first of all, let me say to the Senator from Delaware that I think he has expressed some novel and interesting views today, and I hope that on another occasion he will tell us who his candidates to take out are, because there are a number of people that will qualify as potential candidates.

Senator BIDEN. I can answer that now. Secure the mountain.

Senator MATHIAS. Well, which mountains, and how far? That is a long discussion we will not settle here this morning. I do think that Senator Baker has offered an important motion, and I very frankly can say that I have mixed feelings about it. As I have already expressed, I feel strongly that 6 months is a better time frame in a bad situation. I have not changed that view, notwithstanding my respect for the majority leader.

On the other hand, there are other strengths in both resolutions which are preserved under his motion, and they have some value. However, so that I am not flying under false colors, if at some place down the road there is a further question of the time limit, I will support the 6-month period, whether in floor debate in the Senate or wherever. I have not changed my view on that. But at this stage in the proceedings I think it is of value to amalgamate the two resolutions, and I would support the Baker motion.

The CHAIRMAN. Thank you, Senator Mathias.

Senator Baker, you are recognized.

Senator BAKER. Thank you, Mr. Chairman. I wish to express my gratitude to Senator Mathias. I have had extensive conversations with him, and I believe I understand his grave concern on this subject. I hope he understands my respect for those concerns.

Senator Pressler has a very difficult decision to make, and I think he has made a statesmanlike decision in the decision that he has just announced to all of the members of this committee on both sides who have approached this serious issue in a responsible way, but like all serious issues or almost all serious issues, sooner or later they have to be resolved.

Therefore, at this time, Mr. Chairman, I move to amend the Mathias resolution, which is Senate Joint Resolution 159 by substituting my own resolution and that of the chairman, which is Senate Joint Resolution 166, as modified in two respects: One, on page 4, line 1, to change the figure 6 months to 3 months, which accords with the first amendment offered by Senator Mathias to his own resolution, and thus preserves it, and two, to add the text of Senator Mathias' proposal on expedited procedures for amendments and repeal as submitted by him as an amendment to his own resolution this morning.

The CHAIRMAN. I second the motion. The committee today will order the resolution reported today; that is, whatever resolution is adopted, but reported and filed at the opening of the Senate on Monday.

Senator CRANSTON. Mr. Chairman, as I gather it, the parliamentary situation would now require that I offer my amendment as a

second degree amendment to the Baker amendment in order to get a vote on it before we proceed on it. So I offer a second degree amendment to the Baker amendment, and I will ask for a rollcall vote after I explain it. It is in writing before you. It would strike the preamble and insert the following.

First, a finding that sections 4(a)(1), 4(a)(2), and 3(a)(3) of the War Powers Resolution apply to the present circumstances in Lebanon.

Senator BOSCHWITZ. Senator, it is just being passed out. Could you just wait for a moment?

Senator CRANSTON. While it is being passed out, I will just explain that it strikes all language after the resolved clause and inserts the following, that the requirements for section 4(a)(1), 4(a)(2), and 4(a)(3) of the War Powers Resolution have been operative for U.S. military deployments in Lebanon since August 29, 1983. This is analogous to Senator Byrd's resolution, 163, but it trigger not only as his resolution does section 4(a)(1), but also sections 4(a)(2) and 4(a)(3).

Let me read those sections. Section 4(a) reads:

In the absence of a declaration of war in any case in which United States armed forces are introduced, (1), into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, (2), into the territory, air space, or waters for deployments which relate solely to supply replacement, repair, or training of such forces, or (3), in numbers which substantially enlarge United States armed forces equipped for combat already located in a foreign nation.

If this were adopted, it would provide that the President would have to report within 48 hours as to the scope of the mission and how long it is anticipated it will take to fulfill that mission. This would not mean that we would automatically be withdrawing the marines. It would not mean that we would be cutting and running.

It would mean that after the President had spelled out, as he has not yet spelled out, the purpose and the time anticipated to fulfill it, Congress could then decide by inaction that the marines should be out in 60 to 90 days or Congress could decide by action that the Commander in Chief should be authorized to keep the marines in Lebanon for a specified additional period of time, which could be 3 months, 6 months, 12 months, 18 months, or whatever.

I submit that this is the best way to proceed in accordance with what the War Powers Act calls for, and it does not mean that the President cannot proceed with the mission if that is the view of Congress after he has submitted to us his statement required under the act as to the scope and time that will be needed for the mission assigned to the marines.

I ask for a rollcall vote on that second degree amendment.

The CHAIRMAN. The amendment Senator Cranston has offered in the second degree is not subject to amendment. Is there a second to that amendment?

Senator BIDEN. I second it.

The CHAIRMAN. Then the Clerk will call the roll.

Mr. KEANEY. Mr. Baker.

Senator BAKER. No.

Mr. KEANEY. Mr. Helms.

Senator HELMS. No.

Mr. KEANEY. Mr. Lugar.

Senator LUGAR. No.

Mr. KEANEY. Mr. Mathias.

Senator MATHIAS. No.

Mr. KEANEY. Mrs. Kassebaum.

Senator KASSEBAUM. No.

Mr. KEANEY. Mr. Boschwitz.

Senator BOSCHWITZ. No.

Mr. KEANEY. Mr. Pressler.

Senator PRESSLER. No.

Mr. KEANEY. Mr. Murkowski.

The CHAIRMAN. Senator Murkowski votes no by proxy.

Mr. KEANEY. Senator Pell.

Senator PELL. Aye.

Mr. KEANEY. Senator Biden.

Senator BIDEN. Aye.

Mr. KEANEY. Senator Glenn.

Senator PELL. Mr. Glenn votes aye by proxy.

Mr. KEANEY. Mr. Sarbanes.

Senator SARBANES. Aye.

Mr. KEANEY. Mr. Zorinsky.

Senator ZORINSKY. Aye.

Mr. KEANEY. Mr. Tsongas.

Senator CRANSTON. We have no proxy from him.

Mr. KEANEY. Mr. Cranston.

Senator CRANSTON. Aye.

Mr. KEANEY. Mr. Dodd.

Senator DODD. Aye.

Mr. KEANEY. Mr. Chairman.

The CHAIRMAN. No.

The ayes are seven, the nays are nine. The substitute fails.

Senator Baker?

Senator BAKER. Mr. Chairman, I believe the parliamentary situation is that the vote then would occur on my amendment in the nature of a substitute as modified to the Mathias provision.

The CHAIRMAN. I second the motion.

Senator PELL. Mr. Chairman, I would like to offer a substitute for that, substituting the word 6 for 18.

Senator BAKER. Mr. Chairman, I do not like to stand on procedure, but could I inquire of the committee whether such an amendment would be in order at this time? I think it would not, in that it deals with the same subject matter sought to be amended in the first instance. So let me leave it on that basis.

The CHAIRMAN. The ruling of the Chair is that we would vote on Senator Baker first, and then vote on Senator Pell.

The motion has been made and seconded. Will the Clerk call the roll?

Mr. KEANEY. Mr. Baker.

Senator BAKER. Aye.

Mr. KEANEY. Mr. Helms.

Senator HELMS. Aye.

Mr. KEANEY. Mr. Lugar.

Senator LUGAR. Aye.

Mr. KEANEY. Mr. Mathias.

Senator MATHIAS. Aye.

Mr. KEANEY. Mrs. Kassebaum.

Senator KASSEBAUM. Aye.

Mr. KEANEY. Mr. Boschwitz.

Senator BOSCHWITZ. Aye.

Mr. KEANEY. Mr. Pressler.

Senator PRESSLER. Aye.

Mr. KEANEY. Mr. Murkowski.

The CHAIRMAN. Aye by written proxy.

Mr. KEANEY. Mr. Pell.

Senator PELL. No.

Mr. KEANEY. Mr. Biden.

Senator BIDEN. No.

Mr. KEANEY. Mr. Glenn.

Senator PELL. No by proxy.

Mr. KEANEY. Mr. Sarbanes.

Senator SARBANES. No.

Mr. KEANEY. Mr. Zorinsky.

Senator ZORINSKY. No.

Mr. KEANEY. Mr. Tsongas.

[No response.]

Mr. KEANEY. Mr. Cranston.

Senator CRANSTON. Let us reserve judgment for a second on the Tsongas vote.

Senator PELL. Tsongas passes.

Mr. KEANEY. Mr. Cranston.

Senator CRANSTON. No.

Mr. KEANEY. Mr. Dodd.

Senator DODD. No.

Mr. KEANEY. Mr. Chairman.

The CHAIRMAN. Aye.

On the Baker motion, the Baker substitute, the yeas are nine, the nays are seven. The substitute is accepted.

Senator Pell is recognized.

Senator PELL. Going back to my idea of substituting 6 months for 18 months, the rules of the committee say, insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure, with due regard for the views of all members. I would think that it would be quibbling a little bit not to accept it then.

Senator BAKER. I think it is clearly in order at this time.

The CHAIRMAN. Yes, it is in order at this time. In fact, I have called upon you to offer it.

Senator PELL. All right. Then I offer the amendment.

The CHAIRMAN. The amendment is subject to amendment. Would you restate your amendment clearly? Is there a second to that amendment?

Senator PELL. The amendment is simply to say that the expiration date will be in 6 months and not 18 months.

Senator BAKER. Mr. Chairman, I think Senator Pell is clearly in his rights to offer this, but may I point out that we are clearly voting on the same thing that we voted on before, the difference between 6 and 18 months? Mathias provides 6 months.

Senator CRANSTON. But we did not vote on that.

Senator BIDEN. We have changed it. The leader is correct.

Senator BAKER. I have nothing further, Mr. Chairman.

The CHAIRMAN. Is there anyone who wishes to say anything? If not, the Clerk will call the roll.

Senator CRANSTON. Mr. Chairman, it has not been seconded. I will second it. But let me state that I vote for it and second it without the feeling that it really means anything, because Mr. Shultz made plain in this room 2 days ago that he will not be bound by any time limit, 18 months or 6 months or whatever. The President will not be bound by any time limit. So, I prefer to have the law state 6 months to 18 months, but I do not think it means anything.

The CHAIRMAN. I think it does mean something. It sends a very wrong signal out to the adversaries of the Lebanese Government. It will shock the Lebanese Government. It will endanger, in the judgment of General Kelley and Secretary Shultz, myself, and many others, it could possibly endanger our marines there. I think the signal is the wrong signal.

Senator CRANSTON. Mr. Chairman, it just might cause the Druze to receive a better offer from Mr. Gemayel, and it might cause Mr. Gemayel to do other things that would lead to a resolution, since he would know that American Marines are not going to bleed and die forever while he is intransigent.

The CHAIRMAN. Is there any other discussion?

[No response.]

The CHAIRMAN. If not, the Clerk will call the roll.

Mr. KEANEY. Mr. Baker.

Senator BAKER. No.

Mr. KEANEY. Mr. Helms.

Senator HELMS. No.

Mr. KEANEY. Mr. Lugar.

Senator LUGAR. No.

Mr. KEANEY. Mr. Mathias.

Senator MATHIAS. Aye.

Mr. KEANEY. Mrs. Kassebaum.

Senator KASSEBAUM. No.

Mr. KEANEY. Mr. Boschwitz.

Senator BOSCHWITZ. No.

Mr. KEANEY. Mr. Pressler.

Senator PRESSLER. No.

Mr. KEANEY. Mr. Murkowski.

The CHAIRMAN. No, by proxy.

Mr. KEANEY. Mr. Pell.

Senator PELL. Aye.

Mr. KEANEY. Mr. Biden.

Senator BIDEN. Present.

Mr. KEANEY. Mr. Glenn.

Senator PELL. Aye, by proxy.

Mr. KEANEY. Mr. Sarbanes.

Senator SARBANES. Aye.

Mr. KEANEY. Mr. Zorinsky.

Senator ZORINSKY. Aye.

Mr. KEANEY. Mr. Tsongas.

Senator PELL. Aye, by proxy.

Mr. KEANEY. Mr. Cranston.

Senator CRANSTON. Aye.

Mr. KEANEY. Mr. Dodd.

Senator DODD. Aye.

Mr. KEANEY. Mr. Chairman.

Mr. CHAIRMAN. No.

Senator BIDEN. Mr. Chairman, I change my vote, it is ridiculous, but to aye. I will oppose it on the floor, though.

Mr. KEANEY. Senator Biden votes aye?

Senator BIDEN. Yes.

The CHAIRMAN. The yeas are nine, the nays are eight. The Pell amendment to the Baker substitute carries.

Senator BAKER. Mr. President—excuse me, Mr. Chairman.

The CHAIRMAN. Oh, you can go ahead with the first one. [General laughter.]

Senator Baker.

Senator BAKER. Mr. Chairman, I move to reconsider the vote by which the Pell amendment was agreed to.

Senator PELL. I move to table that motion.

The CHAIRMAN. The motion is to table the Baker motion to reconsider. The Clerk will call the roll.

Senator BIDEN. Parliamentary inquiry. Do you have to be on the prevailing side to move to reconsider?

[Senator Baker nods affirmatively.]

Senator BIDEN. That is what I thought, so I guess we should object unless we want to be gentlemen and go ahead and do it. But it is all right with me.

Senator PELL. Then I would register an objection. Did you wish to make any comment?

Senator MATHIAS. Is there any disposition for anybody to change?

Senator BAKER. The whole thing goes down the tubes if we do not.

The CHAIRMAN. There may be. We still have time.

[Pause.]

Senator LUGAR. Mr. Chairman, I just want to reason aloud for a moment. I appreciate that the vote has occurred to go to 6 months, which effectively guts the entirety of the bipartisan situation that has been worked out with the President, and the speaker, and the majority leader, and it is an interesting conclusion, and I have some satisfaction, I suppose, but I truly wonder whether the committee wants that result to come out that way.

In short, I would have thought the reason we had spent this much time on this was to try to get beyond the problem of the legalisms imposed by the War Powers Act. It may be that we want to have a debate in the Senate on the War Powers Act in which the Congress tries to assert its control over the Executive, and the Executive continues to assert that it will not be controlled while problems in Lebanon continue, and we really do not then deal with the policy decisions. I think this is a very serious matter, so I would hope that there would be someone at least on the side of the nine who would reconsider that at this point, so that we might move into that situation.

Senator KASSEBAUM. Mr. Chairman.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Kassebaum. May we have order, please?

Senator KASSEBAUM. I would like to ask a question that troubles me a bit. It is the use of Senator Tsongas' proxy. It has been used

sometimes, and sometimes it has not. Exactly what directions were left for the use of Senator Tsongas' proxy? On an important issue like this, I think it is a little troubling to find that sometimes it has been voted and sometimes not.

Senator DODD. We might ask the same question of Senator Murkowski's proxy.

Senator KASSEBAUM. Well, he probably left a proxy to be voted every time, and at least there is consistency.

The CHAIRMAN. I will read the proxy of Senator Murkowski. "This will authorize you to cast my proxy at today's Foreign Relations Committee markup of the War Powers Resolution" —

Senator PELL. Mr. Chairman, I can read mine. "Please cast my vote by proxy on those issues which come before the Committee during today's markup on the Lebanon resolution." And in response to Senator Lugar, I would say there is nothing magical about 6 months or 18 months or 24 or infinity, as we had in Vietnam with the Tonkin Gulf, but the shorter the better, so that we can then reconsider it. I think 6 months would mean we would again look at the situation. If the President wants to be there for 18 months, or for 10 years, we can look at it again at the time, but I think we should have a point where we hesitate, and again take a long look at the whole point. That is why I think the 6 months is better than the 18. And in a sign of bipartisanship, I would intend to support the Baker-Percy resolution with that change in it, but without that change in it, I most certainly would not want to support it.

Senator BIDEN. Mr. Chairman.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. I would say that I do not frequently cite the House Foreign Affairs Committee as a reference point for what we ought to do, but I think a tremendous effort has been made to reach a bipartisan spirit, and that vote was an overwhelming vote of 30 to 6 in favor of the resolution, which is the counterpart of the Baker resolution.

Senator CRANSTON. Mr. Chairman.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. I would like to make just a couple of points. First, bipartisanship applies to a bicameral legislature, which we are. The President announced a bipartisan agreement had been reached, and our good friend from Indiana, Senator Lugar, referred to a bipartisan agreement. The bipartisan agreement did not extend to the Senate.

The Senate Democrats had not been consulted prior to that statement adequately by the President. The Democrats of the Senate had not agreed with what the President announced as a bipartisan agreement and what Senator Lugar referred to as a bipartisan agreement. The Senate Democrats have never bought the Baker proposal.

So, it is not a bipartisan agreement that has been dealt with here, and the partisan breakdown that to some degree of the vote here reflected the fact that it had not been worked out on a bipartisan basis.

I would like also simply to point out that in effect, the vote in rejecting the amendment that I proposed was in effect scuttling the

War Powers Act. The War Powers Act is very clear. I do not think that any Member of the Senate or the House doubts that it should apply under the prevailing circumstances, but for various reasons we are choosing to scuttle it by that vote, and I think that does great damage to the War Powers Act, which, as I stated earlier, is already deficient in many ways compared to the original Senate version of that Act.

I would like to suggest or just point out that if the 6-month limit now prevails here, the way to avoid having any such limit is to go back to what I propose, just trigger the War Powers Act. Let the President then submit within 48 hours what he feels the mission is, and how long he believes it will take to fulfill it, and then we can either not act and require the Marines to be out within 60 to 90 days, or we can act and give the President 6 months, 12 months, 18 months, or whatever.

I totally reserve judgment as to what I would do on that until I know what the case is, and what the time will be needed. We do not now know that.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Senator Mathias is recognized. He yielded to Senator Lugar.

Senator MATHIAS. Mr. Chairman, we are obviously in a very difficult place. I personally feel the difficulty of the situation. We are dealing with a very delicate process here, one that has been very carefully constructed largely through the efforts of the majority leader. I do feel strongly about the 60 days, but I also feel strongly about the process.

Senator Javits, in the very eloquent statement that he has sent to the committee, describes the balance in this matter. He, as I, say he is disappointed over the President's insistence on 18 months. I thank this is a subject that is probably proper to ultimately decide on the floor, and I have some concern that if we abandon the broad principles of the compromise as it has been dealt with up to this point, we may not get to the floor. I think the situation is that delicate.

And so, on the basis of preserving the process, I will move to reconsider, but again, advising the majority leader, as I did before, that I will reserve the right to support the 60-day principle when it reaches the floor. The 6 months. The record should be correct. That would be the 6-month principle.

The CHAIRMAN. Thank you very much, Senator Mathias.

Senator PELL. I am disappointed, but I understand the reality. I thank we will regret not having kept this particularly 6 months from now.

The CHAIRMAN. The clerk will call the roll on the vote to reconsider.

Mr. KEANEY. Mr. Baker.

Senator BAKER. Aye.

Mr. KEANEY. Mr. Helms.

Senator HELMS. Aye.

Senator CRANSTON. It is a motion to table that is in order. I am glad you voted for it.

Senator BAKER. No, the motion put by the Chair was a motion to reconsider.

The CHAIRMAN. That is right.

Senator CRANSTON. There was no motion to table?

Senator SARBANES. That motion was made by the wrong party. Senator Baker made a motion to reconsider. Senator Pell moved to table that motion. The Baker motion was out of order because he was not on the prevailing side. There was nothing before the committee. We have now had a motion to reconsider. Pell's motion is to table.

The CHAIRMAN. Who made a motion to table?

Senator SARBANES. Nobody. We are voting on a motion to reconsider.

Senator BIDEN. Why do we not just have a voice vote? [General laughter.]

The CHAIRMAN. The Clerk will call the roll.

Mr. KEANEY. Mr. Baker.

Senator BAKER. Aye.

Mr. KEANEY. Mr. Helms.

Senator HELMS. Aye.

Mr. KEANEY. Mr. Lugar.

Senator LUGAR. Aye.

Mr. KEANEY. Mr. Mathias.

Senator MATHIAS. Aye.

Mr. KEANEY. Mrs. Kassebaum.

Senator KASSEBAUM. Aye.

Mr. KEANEY. Mr. Boschwitz.

Senator BOSCHWITZ. Aye.

Mr. KEANEY. Mr. Pressler.

Senator PRESSLER. Aye.

Mr. KEANEY. Mr. Murkowski.

The CHAIRMAN. Aye by proxy.

Mr. KEANEY. Mr. Pell.

Senator PELL. No.

Mr. KEANEY. Mr. Biden.

Senator BIDEN. No.

Mr. KEANEY. Mr. Glenn.

Senator PELL. No by proxy.

Mr. KEANEY. Mr. Sarbanes.

Senator SARBANES. No.

Mr. KEANEY. Mr. Zorinsky.

Senator ZORINSKY. No.

Mr. KEANEY. Mr. Tsongas.

Senator PELL. No by proxy.

Mr. KEANEY. Mr. Cranston.

Senator KEANEY. Mr. Cranston.

Senator CRANSTON. No.

Mr. KEANEY. Mr. Dodd.

Senator DODD. No.

Mr. KEANEY. Mr. Chairman.

The CHAIRMAN. Aye.

The vote is nine yeas and eight nays. The motion to reconsider is carried.

Senator PELL. I will accept a voice vote on this final bill.

Senator MATHIAS. I will not.

The CHAIRMAN. The motion before us then is the Baker amendment, that is, his resolution as amended. All those in favor—

Senator PELL. No, there has been a motion on my amendment.

Senator SARBANES. Yes, the motion is on the Pell amendment now.

Senator BAKER. The motion is on the Pell amendment?

Senator PELL. Yes, we just voted to reconsider.

The CHAIRMAN. Does anyone want a roll call vote?

[No response.]

The CHAIRMAN. There has been no request for a roll call vote. All in favor of the Pell amendment say aye.

[A chorus of ayes.]

The CHAIRMAN. Those opposed to the Pell amendment, say nay.

[A chorus of nays.]

The CHAIRMAN. The nays appear to have it. The nays have it.

I believe the last order of business then is a resolution, and I do move that the committee order the resolution reported today, but reported and filed at the opening of the Senate on Monday. All those in favor of the motion, say aye.

[A chorus of ayes.]

Senator PRESSLER. I ask for a roll call vote.

The CHAIRMAN. Will the clerk call the roll?

Mr. KEANEY. Mr. Baker.

Senator BAKER. Aye.

Mr. KEANEY. Mr. Helms.

Senator HELMS. Aye.

Mr. KEANEY. Mr. Lugar.

Senator LUGAR. Aye.

Mr. KEANEY. Mr. Mathias.

Senator MATHIAS. Aye.

Mr. KEANEY. Mrs. Kassebaum.

Senator KASSEBAUM. Aye.

Mr. KEANEY. Mr. Boschwitz.

Senator BOSCHWITZ. Aye.

Mr. KEANEY. Mr. Pressler.

Senator PRESSLER. Aye.

Mr. KEANEY. Mr. Murkowski.

The CHAIRMAN. Aye by proxy.

Mr. KEANEY. Mr. Pell.

Senator PELL. No.

Mr. KEANEY. Mr. Biden.

Senator BIDEN. No.

Mr. KEANEY. Mr. Glenn.

[No response.]

Mr. KEANEY. Mr. Sarbanes.

Senator SARBANES. No.

Mr. KEANEY. Mr. Zorinsky.

Senator ZORINSKY. No.

Mr. KEANEY. Mr. Tsongas.

Senator PELL. Pass.

Mr. KEANEY. Mr. Cranston.

Senator CRANSTON. No.

Mr. KEANEY. Mr. Dodd.

Senator DODD. No.

Mr. KEANEY. Mr. Chairman.

The CHAIRMAN. Aye.

Senator PELL. Excuse me. I did not vote Senator Glenn. Senator Glenn is no.

The CHAIRMAN. The yeas are nine, the nays are seven. The resolution will be reported as directed.

I thank everyone for his cooperation, and for allowing the committee to operate. This meeting is adjourned.

[Whereupon, at 12:28, the committee adjourned, subject to call of the Chair.]

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